PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law

of Baltimore County, from an D.R.-16* zone to an 0-1 zone zone, for the reasons given in the attached statement; and-(2)-for a-Special-Exception, under-the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, offices to house the Regional Headquarters for Citicorp Financial,

Inc.'s Mid-Atlantic Division

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

*A small portion of subject property is already zoned 0-1.

Property is to be posted and advertised as prescribed by The Baltimore County Code. I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore

Legal Owner(s): Contract Purchaser: CITICORP FINANCIAL, INC. (Type or Print Name) (Géefey, President City and State Attorney for Petitioner: 7720 York Road 337-2600 Richard A. Reid, Esq. (Type or Print Name) Towson, Maryland 21204 102 West Pennsylvania Avenue

Name, address and phone number of legal owner, contract purchaser or representative to be contacted C. Keith McLendon, Assistant
__Corporate Counsel_____ Towson, Maryland 21204 City and State 823-1800 Attorney's Telephone No.: _____

7720 York Road 337-2600 Ext. 471

PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

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The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, herehy petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an D.R.-16* zone to an O-1 zone zone, for the reasons given in the attached statement; and (2)-for a-Special-Exception, under the Said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described preperty, offices to house the Regional Headquarters for Citicorp Financial, Inc.'s Mid-Atlantic Division

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

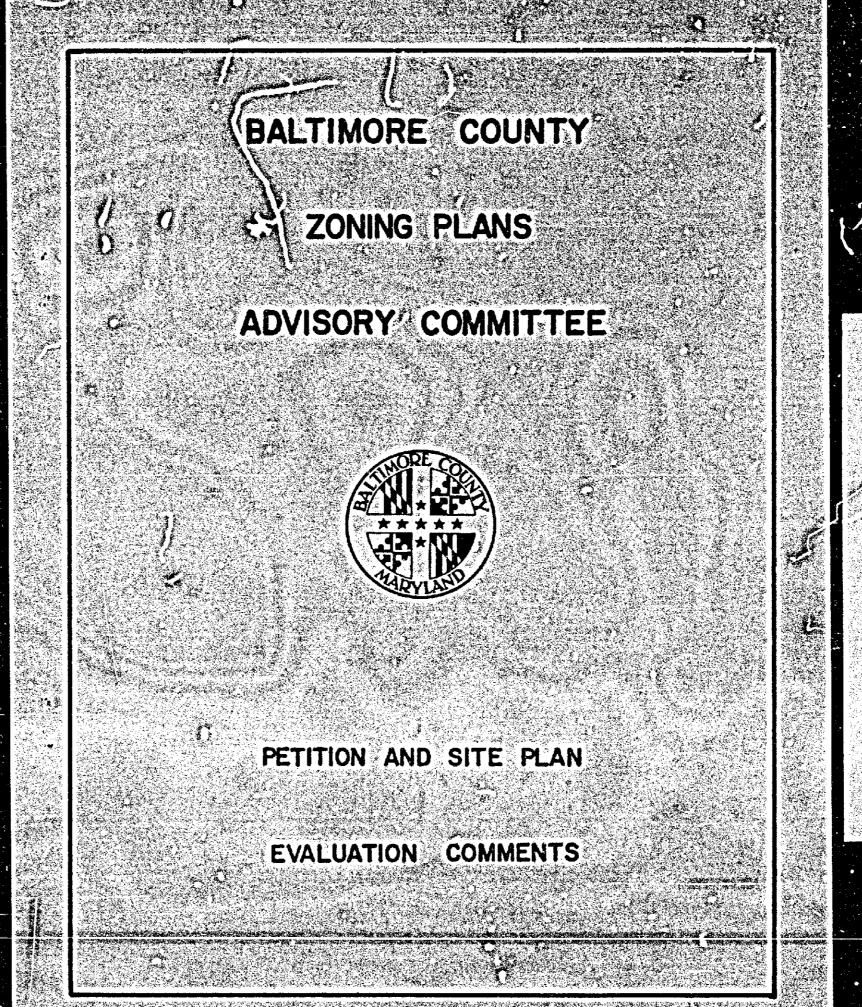
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102 West Pennsylvania Avenue Name, address and phone number of legal owner, contract purchaser or representative to be contacted C. Keith McLendon, Assistant
__Corporate_Counsel_____ Towson, Maryland 21204

337-2600 Ext. 471 7720 York Road Attorney's Telephone No.: Towson, Maryland 21204



Richard A. Reid, Esquire 102 West Fennsylvania Avenue Towson, Md. 21204

Daft-McCune-Walker, Inc. 530 East Joppa Road Towson, Md. 21204 Mr. Harry Grace Current Planning Division

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this 23rd day of September , 1983.

Zoning Commissioner

Petitioner Citicorp Financial, Inc. Received by: Median Blommonta
Petitioner's Richard & Raid Results
Nicholas B. Commodari Petitioner's Richard A. Reid, Esquire

Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 25, 1983

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204 'Nicholas B. Commodari

Chairman

Zoning Administration

Industrial

Development

Richard A. Reid, Esquire 102 West Pennsylvania Avenue Towson, Maryland 21204

RE: Item No. 12 - Case No. R-84-120 Petitioner - Citicorp Financial.Inc. Reclassification Petition

MEMBERS Dear Mr. Reid: Bureau of Engineering

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The Department of Traffic Engineering following comments are not intended to indicate the appro-State Roads Commission priateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written Fire Prevention Health Department report with the Zoning Commissioner with recommendations Project Planning as to the suitability of the requested zoning. **Building Department** Board of Education

In view of your client's proposal to reclassify this property, which lies directly to the rear of the existing office building on York Road, this hearing is required.

Because the submitted site plan did not indicate a proposed use, all comments that were submitted by this Committee were general in nature. If the petition is granted, more detailed comments will be forwarded in the future. This will require, among other things, review by the County Review Group (CRG). For further information on this process, you may contact Mr. Harry Grace at 494-3335.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you.
Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

> Very truly yours, NICHOLAS B. COMMODARI Chairman Zoning Plans Advisory Committee

Richard A. Reid, Esquire October 25, 1983

Enclosures

cc: Daft-McCune-Walker, Inc. 530 East Joppa Road Towson, Maryland 21204 Mr. Harry Grace Current Planning Division

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P. E. DIRECTOR

August 10, 1983

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

Re: Item #12 (1983-1984) Property Owner: Citicorp Financial, Inc. S/S Cross Campus Drive 487' W. York Rd. Acres: 6.94 District: 9th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject a partir de la companya de la compa La companya de la co

York Road (Md. 45) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Baltimore County highway and utility improvements exist and are not directly involved.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 12 (1983-1984).

> ROBERT A. MORTON, P.E., Chief Bureau of Public Services

RAM: EAM: FWR: 65

N-NW Key Sheet 34 NE 2 Pos. Sheet NE 9 A Topo 70 Tax Map



Maryland Department of Transportation

M. S. Caltrider

July 15, 1983

Mr. William Hammond Zoning Commissioner County Office Building Towson, Maryland 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting of 7-12-83 ITEM: #12. Property Owner: Citicorp Financial, Inc.
Location: S/S Cross Campus Drive 487' W. York Road (Route 45)

Existing Zoning: D.R. 16 Proposed Zoning: Reclassification for offices to house the Regional Headquarters for Citicorp Financial, Inc.'s Mid-Atlantic Division Acres: 6.94 District: 9th

Dear Mr. Hammond:

cc: Mr. G. Wittman

Mr. J. Ogle

The proposed petition should have no adverse effects on the State Highway.

Very truly yours, Charles Lee, Chief Bureau of Engineering Access Permits

CL:JM:maw

By: John Meyers

My telephoce number is (301) 659-1350 Teletypewriter for Impaired Hearing or Speech

v. TOWN OF NEW MARKET

pinion of the Court. 2, 181 A.2d 671 (1962), it was said

may have occurred prior to the ve rezoning need not be wholly a change from that zoning is on. It may be — as was the case s a rather close question in the als concerned whether a change e land involved should not have time of the last comprehensive tional changes thereafter may status of the land as to which ever the line dividing different 45 (Emphasis in original.)

ble to the comprehensive zoning hat the haphazard pre-ordinance

events that were declared to be of the proposed county comprehad put 'undue pressure on lities and creates problems of an may be in conflict with agricul-To permit those antecedent as a foundation for this ld be to subvert ordinance 73-42 age a mockery." Id. at 546.

nt of legislative rationale, we held es in the neighborhood could not be lassification. Jay establishes, then. ges may sometimes be considered. an ordinance may affect this con-. Glackin, 45 Md. App. 457 (1980) oted in Jay allows consideration of

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[55 Md. App. Opinion of the Court.

undue pressure on public facilities, and conflicting with agricultural conservation. In this case, Frederick County's 1977 ordinance provided no justification for the 1959 change

When a local legislative body adopts what by legal definition is "comprehensive rezoning," it cannot either in the same ordinance or otherwise provide that it is not comprehensive rezoning, either by so stating or through a designation of the change/mistake date.

The locality's legislative authority to zone stems not from

its own inherent police power, but from that power granted to the localities by state law. It is the state law which determines the extent of that power, and the terms under which it may be exercised in Maryland. Md. Ann. Code. at 66. §4.01 (1978 repl. vol.). Harbor Island Marina v. Calve. ..., 286 Md. 303, 309 (1979). State law defines what constitues comprehensive rezoning, and what consequences flow from that designation. By definition, comprehensive rezoning is the product of thorough, deliberate consideration of extant facts and circumstances. Howard County v. Dorsey, 292 Md. 351, 363 (1982): Mraz v. County Comm'rs of Cecil Co., supra, 291 Md. at 88-89 (1981). When, as here, that definition is met, state law promotes the stability of land use by according the rezoning a presumption of correctness, rebuttable only by a showing of mistake or change in circumstances. Md. Ann. Code, art. 66B. §4.05 (a) (1978 repl. vol.). Howard County v. Dorsey, supra, 292 Md. at 355-56 (1982); Hoy v. Boyd, 42 Md, App. 527, 533 (1979); Anne Arundel Co. v. Md. Nat'l Bank, 32 Md. App. 437 (1976). See generally Comment, "Zoning Change: Flexibility v. Stability." 26 U. Md. L. Rev. 48 (1966); N. Williams, 1 American Land Planning Law, §6.06 (1974).

Given the deliberation with which the circumstances leading up to this comprehensive rezoning were examined, given that the conclusions reached from this examination were the basis for this comprehensive rezoning, and given the public policy favoring stability, it is legally mandated that the evidence of change or mistake be determined from CARDON INV. v. TOWN

. TOWN OF NEW MARKET the date of this comprehensive Opinion of the Court. 155 Md. App.

Opinion of the

would permit needless duplicative before the rezoning, e.g., evidence sidered and presumed to be conside public facilities, and conflicting with In addition, it would promote haph tion. In this cas , Frederick County's in contravention of public policy. led no justification for the 1959 change Applying state law, the court 1977 would be the date for consid-

ative body adopts what by legal defiacter of the neighborhood for the ve rezoning," it cannot either in the whether the requested rezoning si erwise provide that it is not compreer by so stating or through a designa-

"As the Supreme Court state 19). State law defines what constitutes

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Maryland, Md. Ann. Code, art. 66.

Harbor Island Marina v. Calvert Co.,

ng, and what consequences flow from

mistake or change in circumstances.

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v. TOWN OF NEW MARKET

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B-2 classification. The County Code

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ation" or a "trucking and motor

al." At that time the County Code ive serv! station" as "that portion

nable or combustible liquids are m fixed equipment into the feel .". County Code, section 40-1.

Opinion of the Court.

Since the issue of the 1959 date Commissioners, appellant assever. not be raised for the first time in th at power, and the terms under which cites Bulluck v. Pelham Wood A (1978) and quotes from that case:

155, 67 S.Ct. 245, 91 L. Ed. 1. efinition, comprehensive rezoning is h, deliberate consideration of extant 'A reviewing court usu s. Howard County v. Dorsey, 292 Md. function when it sets aside the . County Comm'rs of Cecil Co., supra, determination upon a grour 1). When, as here, that definition is presented and deprives the s the stability of land use by accordopportunity to consider the sumption of correctness, rebuttable ruling, and state the reason

Compensation Comm'n v. Ar

As the Department points out, it ara, 292 Md. at 355-56 (1982); Hoy v. appellant attempted to raise in the c 533 (1979); Anne Arundel Co. v. Md. procedural and evidentiary errors App. 437 (1976). See generally substantive legal issues. 283 Md. at hange: Flexibility v. Stability," 26 the Supreme Court in Aragon, in the 66); N. Williams, 1 American Land preceding the one quoted in Bulle 974). "[t]he responsibility of applying the son with which the circumstances the facts of a particular case was gi to the Commission." It is clear that

283 Md. at 518-519.

CARDON INV. v. TOWN OF NEW MARKET 589

Opinion of the Court.

the date of this comprehensive rezoning. An earlier date would permit needless duplicative consideration of evidence before the rezoning, e.g., evidence of change already considered and presumed to be considered prior to the rezoning. In addition, it would promote haphazard, piecemeal rezoning in contravention of public policy.

Applying state law, the court properly concluded that 1977 would be the date for considering change in the character of the neighborhood for the purpose of determining whether the requested rezoning should be granted.

Since the issue of the 1959 date was not raised before the Commissioners, appellant asseverates that this issue could not be raised for the first time in the circuit court. Appellant cites Bulluck v. Pelham Wood Apariments, 283 Md. 505 (1978) and quotes from that case:

"As the Supreme Court stated in Unemployment Compensation Comm'n v. Aragon, 329 U.S. 143, 155, 67 S.Ct. 245, 91 L. Ed. 136 (1946): 'A reviewing court usurps the agency's

function when it sets aside the administrative determination upon a ground not theretofore presented and deprives the Commission of an opportunity to consider the matter, make its ruling, and state the reasons for its action." 283 Md. at 518-519.

As the Department points out, in Bulluck the issues the appellant attempted to raise in the circuit court were alleged procedural and evidentiary errors, as distinguished from substantive legal issues. 283 Md. at 518. It is significant that the Supreme Court in Aragon, in the sentence immediately preceding the one quoted in Bulluck (above), stated that "It lhe responsibility of applying the statutory provisions to the facts of a particular case was given in the first instance to the Commission." It is clear that in Aragon, unlike the

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case before us, the issue was an evidentiary one and not a

The Commissioners' application of the 1959 change date was a mistake of law. So long as correction of that mistake did not necessitate the taking of additional evidence, it was within the power of the circuit court to correct the mistake and decide the case. Clearly, the court has the power to reverse an administrative action that is arbitrary, capricious, illegal or unconstitutional. Annapolis v. Annapolis Waterfront Co., 284 Md. 383, 395 (1979).

The courts must defer to the expertise of an administrative agency in the resolution of disputed questions of fact. State Insurance Commissioner v. National Bureau of Casualty Underwriters, 248 Md. 292, 299 (1967); however:

> "Mistaken interpretation of law, however arrived at, are held not to be within the exercise of sound administrative discretion and the legislative prerogative, but to be arbitrary and illegal." Criminal Injuries Compensation Board v. Gould, 273 Md. 486, 521 (1975).

See also Hammond v. Love, 187 Md. 138, 143-44 (1946); Mahonev v. Byers, 187 Md. 81, 85 (1946); Heaps v. Cobb. 185 Md. 372, 385 (1946); Hecht v. Crook, 184 Md. 271, 280

When a legislative body sits as a zoning board, its actions are those of an administrative agency and are judged accordingly, 7 R. Rohan, Zoning and Land Use Controls, \$51.01[3]. Although the zoning hearing may be governed by laws actually passed by the same body when it sat as a legislature, it does not thereby gain any additional authority; it still acts as an administrative agency whose authority is limited by statute and case law. Cf. Zellinger v. CRC Dev. Corp., 281 Md. 614 (1977).

The use of the 1959 date for establishing change was clearly based upon an erroneous conception of law and therefore was reviewable by the circuit court and by this CARDON INV. v. TOWN O

Evidence of Ch.

Opinion of the C.

To obtain reclassification, appells "that there was a substantial chang neighborhood where the property is a mistake in the existing zoning c Code, art. 66B, \$4.05(a) (1978 repl.

There was an express finding by

the G.C. zoning of the property in 1 The only issue, then, for the circuit this Court to review is whether changes in the neighborhood to reproperty from the G.C. to the H.S. c Based on our review of the evider County Commissioners - includin building, available sewage facilities mercial zoning since 1971 - we aff trial court that "there is nothing to that there has been such a change neighborhood that it requires the re-

Appellant argues that it is unfair t presented insufficient evidence of cha when all participants at the hearing County Commissioners believed the 1959. Appellant, however, had the m nity to present evidence of all perti-1959 and 1982. Even though the per constricted, appellant nonetheless present evidence of change from 197

Given that there was insufficient ev the 1977 comprehensive rezoning, app 1982 reclassification of its site into category was nonetheless a valid e

. TOWN OF NEW MARKET

inion of the Court. e was an evidentiary one and and a

application of the 1959 change date o long as correction of that mistake aking of additional evidence, if was circuit court to correct the mistake learly, the court has the power to ve action that is arbitrary, capit titutional. Annapolis v. Annapolis

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383, 395 (1979).

etation of law, however arrived e within the exercise of sound cretion and the legislative e arbitrary and illegal." Crimsation Board v. Gould, 273 Md

ove, 187 Md. 138, 143-44 (1940) 1. 81, 85 (1946); Heaps v. Cobb. 183 echt v. Crook, 184 Md. 271, 281 sits as a zoning board, its actions

tive agency and are judged accord and Land Use Controls, §51.01131 aring may be governed by lawn me body when it sat as a legisla gain any additional authority; # ative agency whose authority (* se law. Cf. Zellinger v. CRC Dev

ate for establishing change was rroneous conception of law and by the circuit court and by this CARDON INV. v. TOWN OF NEW MARKET 591

CARDON INV. v. TOWN OF NEW MARKET 587

Opinion of the Court.

It is well settled, however, that changes in the character

of a neighborhood prior to adoption of comprehensive zoning

may be considered only in conjunction with subsequent

changes. Chevy Chase Village v. Montgomery County, 258

In the case sub judice the court concluded that the only

change since 1977 was the 1981 text change and clarification

that made a truck stop a legal use in the H.S. classification

and, in effect, excluded it from the G.C. classification. This

does not constitute a post-1977 ordinance change in the

character of the neighborhood sufficient to permit examina-

Moreover, the circuit court found that even if it considered

"We are not here dealing with a comprehensive

rezoning that may have overlooked something,

some changes. It would appear from this record a

deliberate determination by the County Commis-

sioners in 1971 to place this property in a commer-

cial category and it has continued in that down to

the present time, and it seems to me that there is a

truncating, at that point, of the circumstances or

the necessity to view and consider changes prior to

We agree with the trial court's analysis. Since the Board

of County Commissioners reclassified the property as com-

mercial in 1971, and in effect reaffirmed that classification

cation and, therefore, no need to look for change before that

The provision in the 1977 ordinance mandating mea-

surement of change from 1959 is distinguishable from the

preamble that we gave effect in Jay v. Smith, supra. In Jay,

the preamble described the Harford County Council's

purpose: to prevent pre-ordinance changes from circum-

venting the county's proposed comprehensive plan, putting

in 1977, there is a presumption of correctness in that classifi-

changes before 1977, it did not have to look beyond 1971. The

Md. 27, 43-44 (1970).

tion of pre-1977 changes.

trial court opined:

that date."

1971 action.

Opinion of the Court.

Evidence of Change To obtain reclassification, appellant was required to show "that there was a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification." Md. Ann. Code, art. 66B, \$4.05(a) (1978 repl. vol.).

There was an express finding by the Commissioners that the G.C. zoning of the property in 1977 was not a mistake The only issue, then, for the circuit court to consider and for this Court to review is whether there were sufficient changes in the neighborhood to require reclassifying the property from the G.C. to the H.S. classification.

Based on our review of the evidence before the Board of County Commissioners — including the evidence of road building, available sewage facilities and extensions of commercial zoning since 1971 - we affirm the findings of the trial court that "there is nothing to compel the conclusion that there has been such a change in the character of the neighborhood that it requires the rezoning."

Appellant argues that it is unfair to charge it with having presented insufficient evidence of change since 1977 or 1971 when all participants at the hearing before the Board of County Commissioners believed the change date would be 1959. Appellant, however, had the motivation and opportunity to present evidence of all pertinent changes between 1959 and 1982. Even though the period of change was later constricted, appellant nonetheless had a fair chance to present evidence of change from 1971 to the date of the

Given that there was insufficient evidence of change since the 1977 comprehensive rezoning, appellant argues that the 1982 reclassification of its site into the Highway Service category was nonetheless a valid exercise of legislative 592 CARDON INV. v. TOWN OF NEW MARKET

Opinion of the Court. [55 Md. App.

discretion. It alleges: that the 1971 rezoning from A-1, Agricultural, to B-2, Commercial, placed the property in a classification that permitted truck stops. By the enactment of the 1977 ordinance, the B-2 classification of the subject property was changed to the new GC-General Commercial classification, which, according to the 1981 interpretation of the Zoning Administrator, permitted a truck stop as a legal use. It was only then, in 1981, ten years after the 1971 commercial zoning and four years after the General Commercial Zoning, that the Board of County Commissioners passed a text amendment excluding truck stops from the General Commercial classification. After several months, the 1982 rezoning of appellant's land as Highway Service restored to appellant the right to use the site as a truck stop — a use that had already been permitted for four to ten years. Insofar as a truck stop was previously permitted, appellant urges that there is no need to show change in the neighborhood to justify the 1982 rezoning.

A "truck stop" is not a zoning classification, but a use within a classification, and one that was never explicitly placed in the zoning ordinance until the 1981 textual change. As we have pointed out, supra, in 1971, when the subject property was rezoned from the A-1, Agricultural, to the B-2. Community Business District zone, automobile filling stations were permitted in the latter zone (County Code, sections 40-89 (d) and 40-95). Also, it is significant that in 1971 the B-3, General Business District classification permitted as a legal use "trucking and motor freight station or terminal." (County Code, section 40-101, (n)(3)), In addition, although the B-2 classification permitted "automobile" filling stations," the B-3 classification permitted "filling stations . . ." without reference to the limitation of "automobile" as contained in the B-2 classification. The County Code did not contain a definition of an "automobile service station" or a "filling station" or a "trucking and motor freight station or terminal." At that time the County Code defined only an "automotive service station" as "that portion of property where flammable or combustible liquids are stored and dispensed from fixed equipment into the fuel

tanks or motor vehicles County Code, section 40-1.

CARDON INV. v. TOWN O

In 1981 the Commissioners 81-29-219, the Zoning Text Ame "truck stop and filling station ser-"motor freight terminal". This ordi legis atively placed the "truck stop" and light industrial classification ordinance, the Commissioners apping nercial, placed the property in a classi-

"... Prior to the filing of this 2 classification of the subject property were no specific references to use new GC-General Commercial classifi-ily for trucks and for the sale of the ing to the 1981 interpretation of the and the like for that type vehicle permitted a truck stop as a legal use. present Zoning Administrators 1981, ten years after the 1971 commersuch uses could be included und automobile filling and service at automobile filling and service at a wided in part that buildings and the retail sale of motor vehicle accessories included those type and were allowed in the districts. and were allowed in the districts use the site as a truck stop - a use Zoning Ordinance. ermitted for four to ten years. Insofar

A hearing on the proposed ame eviously permitted, appellant urges before the Frederick County Plan show change in the neighborhood to and at that time the Staff submit dations providing for a definition is a zoning classification, but a use filling station service facilities' and one that was never explicitly terminals' and recommended the ordinance until the 1981 textual allowed with site plan approval inted out, supra, in 1971, when the Service and General Industrial I would from the A-1, Agricultural, to latter as a permitted use with site Business District zone, automobile the Limited and General Industries mitted in the latter zone (County further clarify the matter, it was read and 40-95). Also, it is significant the definition of automobile fill meral Business District classification station, as it existed in the Ordina to clarify that that use does not income and filling station service facility lassification permitted "automobile"

CARDON INV. v. TOWN OF NEW MARKET 593

Opinion of the Court

that the 1971 rezoning from A-1, Agri-In 1981 the Commissioners enacted Ordinance No. 81-29-219, the Zoning Text Amendment, which defined d truck stops. By the enactment of the "truck stop and filling station service facility" as well as "motor freight terminal". This ordinance for the first time legislatively placed the "truck stop" use explicitly in the H.S. and light industrial classifications. In adopting that ordinance, the Commissioners approved the following as part of the preamble: "... Prior to the filing of this application, there

were no specific references to uses designed primarily for trucks and for the sale of motor vehicle fuels and the like for that type vehicle, although past and present Zoning Administrators had indicated that such uses could be included under the definition of automobile filling and service stations, which provided in part that buildings and structures used for the retail sale of motor vehicle fuels, oils and accessories included those type services to trucks and were allowed in the districts as provided in the Zoning Ordinance.

A hearing on the proposed amendment was held before the Frederick County Planning Commission and at that time the Staff submitted its recommendations providing for a definition for truck stop and filling station service facilities' and 'motor freight terminals' and recommended that the former be allowed with site plan approval in the Highway Service and General Industrial Districts and the latter as a permitted use with site plan approval in the Limited and General Industrial Districts. To further clarify the matter, it was recommended that the definition of automobile filling and service station, as it existed in the Ordinance, be amended to clarify that that use does not include 'truck stops and filling station service facilities." (Emphasis

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[55 Md. App. Opinion of the Court.

It is clear from the foregoing that the Commissioners, in enacting the 1977 Comprehensive Rezoning Ordinance, did not intend to include the truck stop use in the automobile filling and service station use. If this were not correct, then there would have been no need to contain in the foregoing preamble that the ordinance "be amended to clarify that that use (automobile filling and service station) does not include truck stops and filling station service facilities." We have stated in Swarthmore Co. v. Comptroller, 38 Md. App. 366, 373 (1977):

"While subsequent legislative interpretation of a prior statute is not binding or controlling on the Court, Crunkleton v. Barkdoll, 227 Md. 364, 369. 177 A.2d 252, 255 (1962) a subsequent 'statute purporting to declare the intent of an earlier one might be of great weight in assisting a court when in doubt.' United States v. Stafoff, 260 U.S. 477. 480, 43 S. Ct. 197, 199, 67 L. Ed. 358, 361 (1923)."

This action of the Commissioners clearly superseded that of the Zoning Administrator and the Board of Appeals since the passage of that ordinance by the Commissioners not only provided for the first time both a definition of "truck stop" and the zoning classifications in which it would be permitted, but it explicitly pointed out that the heretofore "automobile filling and service station classification . . . does not include truck stops and filling station service facilities.' Based on the foregoing we hold that the contention that the truck stop use had been permitted on this property since 1971 when it was rezoned from the agricultural to the com-

munity business classification fails. There is no predicate, therefore, upon which appellant can base its rather exhaustive legal argument.

In the same vein, appellant suggests that because the 1972 Frederick County comprehensive land use plan proposed a highway service designation of the site, the Commissioners could rezone it H.S. ten years later without having to show a change in the neighborhood. This fails to CARDON INV. v. TOWN d

appreciate the distinction between JMC Constr. Corp. v. Montgomery (1983) we said:

> "It is important ... to 'planning' and 'zoning.' The functions are different. As Jud for the Court in Chapman v. . 259 Md. 641, 643 (1970):

'A "Master Plan" is not t substitute for a compreh rezoning map, nor may it be legal significance.... recommended or proposed !: may well become incorpora hensive zoning map ... but until it is officially adopted ! such by the District Council

Of the 1977 ordinance, the circu "... as a result of certain tex ordinance there were refinen classification and the need to pl in designated zones, and from evidence and the reasons presen a conscious determination to would have been appropriate f vice classification, and we have the designation of other propert

this property would be include Here the court is saying that in ! made a thoughtful and deliberate ereports to designate those areas whe could be imposed, but the subject if those chosen for that classification. Regardless of the plan's design

comprehensive zoning determines th

and not even by way of example

v. TOWN OF NEW MARKET

pinion of the Court. [55 Md. App.

oregoing that the Commissioners, in aprehensive Rezoning Ordinance, did the truck stop use in the automobile ion use. If this were not correct, then no need to contain in the foregoing nance "be amended to clarify that that and service station) does not include station service facilities."

varthmore Co. v. Comptroller, 38 Md.

nt legislative interpretation of a t binding or controlling on the v. Barkdoll, 227 Md. 364, 369 5 (1962) a subsequent 'statute are the intent of an earlier one eight in assisting a court when States v. Stafoff, 260 U.S. 477. 199, 67 L. Ed. 358, 361 (1923).

nmissioners clearly superseded that ator and the Board of Appeals since ance by the Commissioners not only me both a definition of "truck stop" ifications in which it would be itly pointed out that the heretofore service station classification . . . does nd filling station service facilities." g we hold that the contention that en permitted on this property since d from the agricultural to the comcation fails.

herefore, upon which appellant can ve legal argument.

pellant suggests that because the comprehensive land use plance designation of the site, the Comit H.S. ten years later without in the neighborhood. This fails to 596 CARDON INV. v. TOWN OF NEW MARKET Opinion of the Court.

put, and necessitates a showing of change before it can be

Costs to be paid by appellant.

reclassified. The circuit court properly four I insufficient evidence of change to warrant the rezoning. Judgment affirmed.

TAYLOR v. BEN

Syllabus PAUL B. TAYLOR v. PATRICL

VICTOR H. LAWS, Persona of the Estate of J. Willia [No. 1752, September To

Decided October 5 JUDGMENTS - APPEAL - In Reviewing Th Or Set Aside A Judgment, The Appellate Co The Trial Court Abused Its Discretion.

APPEAL - JURISDICTION - An Appeal D Further Proceedings In The Trial Court -Reference To Matters Not Relating To The S The Proceeding; And May Make Such Orde Protect And Preserve The Subject Matter Of Appeal. Where the trial court ordered the aprepresenting the subject matter of the suit t the appeal was pending, the Court held that subject matter of, or affect the proceedings, a: to protect the subject matter of the appeal, evto amend the judgment from which the appr

Appeal from the Circuit Court

(CATHELL, J.). Paul B. Taylor filed a motion to summary judgment requiring him to certain funds held by him and to appellees. The motion was denied wi appealed. The Court reversed and re: the motion. While the appeal was pe ordered Taylor to turn over the full court. On remand, after a hearing denied Taylor's motion to modify or Taylor appeals.

Judgments affirmed. Costs to be 1 The cause was argued before WEA

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

October 25, 1983

William T. Hackett, Chairman County Board of Appeals

Norman E. Gerber, Director

Office of Planning and Zoning Zoning Reclassification Petition

SUBJECT No. R-84-120 Citicorp Financial, Inc.
S/S of Cross Campus Drive, 487' W of York Road

This 6.94-acre parcel of land, a portion of which has been used for parking for many years, is part of a 12.643-acre property owned by Citicorp Financial, Inc. The present owner took title to the office building located on the front portion of the property, as well as use of related parking to the rear, in 1977; the building formerly housed offices for the Exxon Corporation. This office building, a convalescent home, a medical office building, a building housing a restaurant and offices, a parking lot, St. Joseph's Hospital, and garden apartments abut the subject tract. The petitioner is requesting a change from D.R. 16 to 0-1 zoning, proposing that the entire 12.643-acre property be developed as the regional headquarters for its Mid-Atlantic Division.

Prior to the adoption of the 1980 Comprehensive Zoning Map, the property was zoned D.R. 16. During the preparation and processing of this map, the zoning of the entire property was identified as a specific issue (part of Item No. 4-41) before both the Planning Board and the County Council. The Planning Board recommended 0-1 zoning here; however, the County Council adopted a combination of 0-1 and D.R. 16 zoning.

On June 24, 1983, the petitioner requested exemption from the regular cyclical procedures set forth in the Baltimore County Code. On July 21, 1983, the Planning Board recommended that this request for exemption be granted. On August 1, 1983, by Resolution No. 66-83, the County Council agreed.

At the time of the preparation and processing of the 1980 Comprehensive Zoning Map, the need for student housing in proximity to the Towson State University was an on-going major concern. After the adoption of the map, however, 4 high-rise structures for student housing were constructed on a privately owned parcel of land, approximately 3 acres in size, just to the northwest of the subject site. These units have the capacity to house more than 1,600 students. Although the zoning of this tract, D.R. 16, would permit only 49 dwelling units if developed for private ownership, the site was donated to the State and leased back to the private sector for development. By this mechanism, the zoning restrictions were no longer binding. It is this office's opinion that the student housing facilities constructed here adequately meet the needs, and, thus, are no longer a major concern.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. James E. Dyer, Zoning Office Edith T. Eisenhart

FROM County Board of Appeals

August 4, 1983

CARDON INV. v. TOWN OF NEW MARKET 595

Opinion of the Court.

appreciate the distinction between planning and zoning. In

JMC Constr. Corp. v. Montgomery County, 54 Md. App. 1, 7

"It is important ... to distinguish between

'planning' and 'zoning.' The planning and zoning

functions are different. As Judge Finan pointed out

'A "Master Plan" is not to be confused as a

substitute for a comprehensive zoning or

rezoning map, nor may it be equated with it in

legal significance.... The zoning as

may well become incorporated in a compre-

hensive zoning map ... but this will not be so

until it is officially adopted and designated as

Of the 1977 ordinance, the circuit court observed that:

"... as a result of certain textual changes in the

ordinance there were refinements of the zoning

classification and the need to place these on the map

in designated zones, and from the staff reports in

evidence and the reasons presented there were (sic)

would have been appropriate for this highway ser-

vice classification, and we have a record in 1977 of

the designation of other properties for that purpose,

and not even by way of example is it suggested that

Here the court is saying that in 1977 the Commissioners

made a thoughtful and deliberate effort based on planning

reports to designate those areas where the H.S. classification

could be imposed, but the subject property was not one of

Regardless of the plan's designation of the site, the

comprehensive zoning determines the uses to which it can be

this property would be included in that."

those chosen for that classification.

a conscious determination to find the sites that

such by the District Council."

recommended or proposed in the Master Plan

for the Court in Chapman v. Montgomery County,

(1983) we said:

259 Md. 641, 643 (1970):

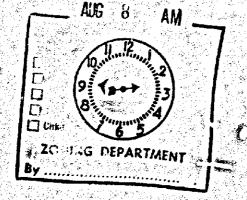
SUBJECT County Council Resolution \$66-83 - Citicorp Financial, Inc.

Attached herewith is a copy of Resolution No. 66-83 passed by the County Council on August 1, 1983, approving the Planning Board's certification that the zoning reclassification petition filed on behalf of Citicorp Financial, Inc. should be exempted from the regular cyclical procedure.

The Board has set Wednesday, November 2, 1983, aside for the hearing of this case, at 10 a.m. Therefore, please arrange for the advertising and posting of the property.

> Edith J. Cesenhat Edith T. Eisenhart, Adm. Secretary

cc: J. G. Hoswell N. Commodari Arlene January



COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND Legislative Session 1983, Legislative Day No. 18

RESOLUTION NO. 66-83

Ms. Barbara Bachur , Councilwoman By Request of County Executive

By the County Council, August 1. 1983

RESOLUTION to approve the Planning Board's certification that the zoning reclassification petition filed on behalf of Citicorp Financial, Inc., owner, for a 6.94 acre parcel of land located on Cross Campus Drive, should be exempted from the regular cyclical procedure of §2-58.1(c) through (h), inclusive, of the Baltimore County Code, 1978, 1982 Cumulative Supplement, as amended.

WHEREAS, the Planning Board, by resolution dated July 21, 1983, has certified that early action on the Petition for Zoning Reclassification filed on behalf of Citicorp Financial, Inc., owner, requesting a reclassification of the abovedescribed property would be in the public interest; and

WHEREAS, the County Council of Baltimore County, in accordance with the provisions of §2-58.1(i) may approve said certification and exempt the Petition for Zoning Reclassification from the regular, cycle procedures of \$2-58.1.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Baltimore County, Maryland, that the certification by the Planning Board that early action on the Zoning Reclassification Petition filed on behalf of Citicorp Financial, Inc. be and the same is hereby approved; and

BE IT FURTHER RESOLVED, that the Board of Appeals shall schedule a public hearing on said Petition in accordance with §2-58.1(i) of the Baltimore County Code.

- C

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Mr. James E. Dyer, Zoning Office Edith T. Eisenhart FROM County Board of Appeals

SUBJECT County Council Resolution 666-83 - Citicorp Financial, Inc.

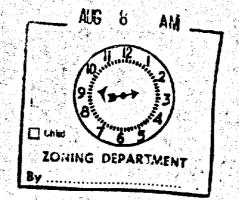
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> Elith J. Essenhat Edith T. Eisenhart, Adm. Secretary

Arlene January



William T. Hackett, Chairman-County Board of Appeals October 25, 1983

It should also be noted that the proposed expansion by Citicorp Financial, Inc. would be expected to create 950 to 1,150 additional jobs at this location. As noted by the Director of the Baltimore County Economic Development Commission. "The obvious benefits at in job creation and expansion of the tax base." New jobs created would be "within occupational categories to which both our educational institutions and public job retraining programs are targeted. Additional benefit is gained by the County from the prestige of hosting the regional headquarters of a nationally recognized firm such as Citicorp Financial, Inc. This recognition, enhanced by the support of local government in accommodating business necds, is a necessary ingredient in a successful program of externally marketing Baltimore County for economic growth and development."

It is therefore recommended that the petitioner's request for 0-1 zoning be granted.

Director of Planning and Zoning

NEG:rls

cc: John W. Hessian, III People's Counsel

Richard A. Reid, Esquire

John G. Hoswell

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND Legislative Session 1983, Legislative Day No. 18

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BE IT FURTHER RESOLVED, that the Board of Appeals shall schedule a public hearing on said Petition in accordance with \$2-58.1(i) of the Baltimore County Code.

STEPHEN E. COLLINS DIRECTOR

July 27, 1983

Mr. William Hammond Zoning Commissioner County Office Building Towson, Maryland 21204

> -ZAC- Meeting of July 12, 1983 Property Owner: Citicorp Financial, Inc. S/S Cross Campus Drive 487' W. York Road Existing Zoning:D.R. 16 Proposed Zoning: Reclassification for offices to house the Regional Headquarters for Citicorp Financial, Inc.'s Mid-Atlantic Division.

Acres: District:

Dear Mr. Hammond:

The existing D.R.16 zoning can be expected to generate 830 trips per day and the proposed 01 zoning can be expected to generate approximately 1660 trips per day.

MSF/ccm

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Office of Planning and Zoning County Office Building Towson, Maryland 21204 Zoning Item # 12, Zoning Advisory Committee Meeting of July 12, 1983

wher: <u>Citicorp Financial Inc.</u>

S/S Cross Campus Drive District 9 Water Supply Oublic Sewage Disposal Oublic COMMENTS ARE AS FOLLOWS:

() Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility. complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.

() Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain require-

ments for such installation/s before work begins.

() A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.

() A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.

() Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.

() Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support

() Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.

() If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)

Zoning Commissioner

) Any existing underground storage tanks containing gasoline, waste oil, solven's, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. () Soil percolation tests have been conducted. The results are valid until

Revised plans must be submitted prior to approval of the percolation () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.

() In accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid until is not acceptable and must be retested. This must be accomplished pr. . to conveyance of property or approval of Building Permit () All roads and parking areas should be surfaced with a dustless, bonding () No health hazards are anticipated. (X) Others Prior to approval of a Building Permit,

A Hydrogeological Study and AN Environmental

Effects Report may be required.

Lan J. Forrest, Director BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1080 (2)

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204 TED ZALESKI, JR. DIRECTOR lugust 22, 1983 Mr. William E. Hammond, Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21204 Location: Existing Zoning: Proposed Zoning: Reclassification for offices to house the Regional Headquarters for Citicorp Financial, Inc.'s Mid-Atlantic Division The items checked below are applicable: X A. All structure shall conform to the Baltimore County Building Code 1981/ Council Bill b-82 State of Maryland Code for the Handicapped and Aged; and other applicable Codes. X B. A building/and other miscellaneous permits shall be required before beginning construction. C. Residentials Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. X D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application. E. An exterior wall erected within 6'0 of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'-0 of lot lines. A firewall is required if construction is on the lot line, See Table 401, line 2, Section 1407 and Table 1802. P. Requested variance conflicts with the Baltimore County Building Code, G. A change of occupancy shall be applied for, along with an alteration parmit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 101.

> NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any parmit. If desired, additional information may be obtained by visiting Boom #122 (Plans Review) at 111 West Chesapeake Ave., 21204

> > Yery truly yours,

9th District

Charles B. Burnham, Chief

CITICORP FINANCIAL, INC.

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Date: July 18, 1982

Towson, Maryland - 21204

Mr. William E. Hammond Zoning Commissioner Baltimore County Office Building 1111 West Chesapeake Avenue Towson, Maryland 21204

Z.A.C. Meeting of: July 12, 1983

RE: Item No: (12) 13, 14, 15, 16, 17, 18, 19, 20
Property Owner: Location: Present Zoning: Proposed Zoning:

> District: No. Acres:

Dear Mr. Hammond:

All of the above have no adverse effect on student population.

Wm. Nick Petrovich. Assistant Department of Planning

CIRCUIT COURT FOR BALTIMORE COUNTY LAW DOCKET 16 PAGE 117 CASE NO. 84 M 62 CATEGORY APPEAL Phyllis Cole Friedman PEOPLE'S COURSEL FOR BALTIMORE COUNTY Peter Max Zimmerman IN THE MATTER OF THE APPLICATION OF Deputy People's Counsel Room #223, Court House (04) CITICORP FINANCIAL, INC. FOR RECLASSIFICATION FROM D.R. 16 to 0-1 494-2188 ON PROPERTY LOCATED ON THE SW CORNER YORK ROAD & CROSS CAMPUS IRIVE. Richard A. Reid 9th DISTRICT Suite 600, 102 W. Pennsylvania Av. (04) 823-1800 ZONING CASE NO. R-84-120 COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY (1) Feb. 15, 1984 - Pltff's Order for Appeal from the decision of the County. ISC # Board of Appeals of Baltimore County & same day Petition fd.

L-CLRK 60.00 CHECK 11(5)60.00 #16312 COOL 702 T16:00 (2) Feb. 15, 1984 - Certificate of Notice fd. (3) Feb. 21, 1984 - Transcript of Record fd. (4) Feb. 21, 1984 - Rotice of filing of Record fd.

(5) March 12, 1984 - App. of Richard A. Reid as attorney for the Appellee, CITICORP FINANCIAL, INC., & same day Answer to Petition on Appeal fd. (6) March 13, 1984 - Appellant's Memorandum fd. (7) Apr. 12, 1984 - Appellee's Reply Memorandum fd.

June 21, 1984 Hon. William R. Bu hanan, Sr. Hearing had. Opinion held (8) June 22, 1984 - Opinion & Order of Court that the decision of the County

Board of Appeals for Baltimore County is AFFIRMED fd. (WRB)

MON TON SE D & 08

PAGE 117

CASE NO. 84 - M - 62

PEOPLE'S COUNSEL FOR BALTIMORE CIRCUIT COURT IN THE MATTER OF THE APPLICATION OF CITICORP FINANCIAL, INC. FOR RECLASSIFICATION FROM D.R. 16 TO BALTIMORE COUNTY O-1 ON PROPERTY LOCATED ON THE SOUTHWEST CORNER YORK ROAD AND CROSS CAMPUS DRIVE, 9TH DISTRICT ZONING CASE NO. R-84-120 Case No. 16/117/84-M-62 * * * * * * * *

OPINION

This is an appeal by the People's Counsel for Baltimore County from a decision of the County Board of Appeals of Baltimore County concerning the rezoning of property from D.R. 16 to 0-1 zoning.

The parcel of land now primarily used as a parking lot is located behind a present structure that is located on the Southwest Corner of York Road and Cross Campus Drive containing some 6.94± acres. On January 16, 1984, the County Board of Appeals ordered the reclassification of the 6.94± acres from D.R. 16 to 0-1.

On the 21st day of June, 1984, counsel for the parties were heard in open Court. The transcript of the testimony before the Board of Appeals having been reviewed along with the exhibits and remoranda filed by counsel for the parties having been considered, the Court cannot find that the Board was erroneous, arbitrary or capricious in the interpretation and finding of fact and the conclusion from those facts, nor in the application of the law to the facts, as it had before it evidence legally sufficient to support its decision. The Court finds that the issue presented is fairly

Therefore, it is this 22 nd day of June, , 1984, OFDERED that the decision of the County Board of Appeals for Baltimore County

SW corner York Rd. and Cross Campus Dr. Reclass. from D.R. 16 to 0-1

June 24, 1983 Petition filed Nov. 2, " Hearing held on petition Jan. 15, 1984 Order of the Board ordering that the rezoning of

the 6.94+ acre parcel in question be GRANTED Order for Appeal filed in the Cir. Ct. by Phyllis Friedman, People's Counsel

Certificate of Notice sent out Feb. 21, " Record of proceedings filed in the Circuit Ct. for Balto. Cty.

Board AFFIRMED by Judge Wm. R. Buchanan, Sr. June 22 6/26/84 cc: A. Jablon A. January J. Hoswell

CERT CICATE OF PUBLICATION

TOWSON, MD. // 8 19833 THIS IS TO CERTIFY, that the annexed advertisement was published in THE TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for ______ successive weeks, the first publication appearing on the

12th day of Oct 1983

Cost of Advertisement, \$ 6528

ENLAMISTICA:

Sin Election District

Sin Election District

EONING: Petition for those to a control of the cont

DUPLICATE

CERTIFICATE OF PUBLICATION

TOWSON, MD., _____October 13___, 19_8

THE JEFFERSONIAN,

Land Structure

Manager.

Cost of Advertisement, \$ 52.50

Zoning File No. R-84-120

CASE No. 16/117/84-M-62

Citicorp Financial, Inc. vs. People's Counsel of Baltimore County

RECEIVED FROM THE COUNTY BOARD OF APPEALS
CERTIFIED DOCUMENTS, EXHIBITS, AND BOARD'S
ANSWER FILED IN THE ABOVE ENTITLED CASE,
AND TRANSCRIPT.

Clerk's Office

Date: Feb. 21, 1984

sorth 77 degrees 44 minutes 20 seconds wast 77.00 feet, (2) morthwesterly by a curve to the right with the radius of 1,298.33 feet, the	
trly by a curve to the right with	
the radius of 1,298.88 feet, the	
length of 194.81 feet, the shord of mid curve being north 71 degrees	
4 minutes 20 seconds west 294.18 teet to a point at the beginning of the seventh line of a parcel of land described in a deed dated Docum-	Cost of
the neventh line of a parcel of land	
the seventh line of a parcet of land isserthed in a deed dated Documber 1, 1977 from Greater Towns Realty, Ins. to Exxon Corporation and recorded among the land rec-	
Realty. Inc. to Exxon Corneration	
and recorded among the land rec-	
E.H.K., Jr. 503 fullo 383, theres binding on said seventh line and the eighth line of said parest and	S.
the eighth line of maid pures; and	
the eighth line of said pures) and till binding on the south side of Cross Campus Drive (3) northwesterly by a curve to the right with the radius of 1,290,23 feet, the length of 200,86 feet, the chord of	
rily by a curve to the right with	
ing region of 1,200,23 feet, the	
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mid curve being north 60 degrees 15 minutes 43.5 seconds west 200 62 (set, (4) north 55 degrees 20 min- stes 67 seconds west 55.67 feet, thence leaving the south side of	
stes 67 seconds west \$5.67 feet,	
thence leaving the south side of	
Cross Campus Drive and binding on the sinth, tenth, eleventh, twelfth, first, second and third lines of the lastly mentioned parcel (5) southwesterly by a curve to the left with the radius of 1500 feet	
twelfth, first, second and third	
(8) southwesterly by a curve to the	
	•
of said curve being south 78 de-	•
Kreek 30 minutes 68 seconds west	
eurre to the right with the radius	
of 130 00 feet, the length of 108.91	
poet, the church of said curve being nouth M. degrees. M. minutes 50	
the length of 23.56 feet, the chord of said curve being south 78 de- kreen 30 minutes 53 seconds went 13.26 feet, (4) southwesterly by a curve to the right with the radius of 108.91 feet, the chord of said curve being south 30 degreen 30 minutes 52 seconds west 105.76 feet, (7) sorthwesterly by a surve to the right by a surve to the right.	
winterly by a curre to the right	A
length of 291.22 feet, the chord of	
mid curve being north \$1 degrees	
feet, (f) south 24 degrees of min-	
wire 30 segonds west 445.58 feet	
peconds again 417.05 feet, (18) gouth	
seconds west 105.75 feet, (7) sorth- waterly by a surve to the right with the radius of \$30.00 feet, the length of \$31.32 feet, the choese of said curve being north \$1 degrees 44 minutes \$2 seconds west, 267.65 feet, (6) mouth \$4 degrees \$4 minutes \$0 seconds west 445.55 feet, (b) multi 65 Secrees \$1 minutes \$0 seconds east 447.65 feet, (10) south \$3 degrees \$15 minutes \$0\$ seconds east 205.65 feet, and (11) north \$2 degrees \$7 minutes 40 seconds east \$25.55 feet to the berjance of the	
derroes 67 minutes 40 mounds and	
degrees 07 minutes 40 mounds east 225.32 feet to the beginning of the seventicline of mid firstly mea- tioned parox, thesee binnding on	
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rember 2, 1888 at 10:03 A.M.	V ·
Public Hearing: Room fils, Coun	
Ey Order Ot	
WILLIAM T. HACTORY.	
County Beard of Appeals	

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Tourson, Maryland

Date of Posting 10/9/83

Posted for: Ithin for Relamificated

Petitioner: Gling Tambill Vac.

Location of property: See fe My A & Cross Campus

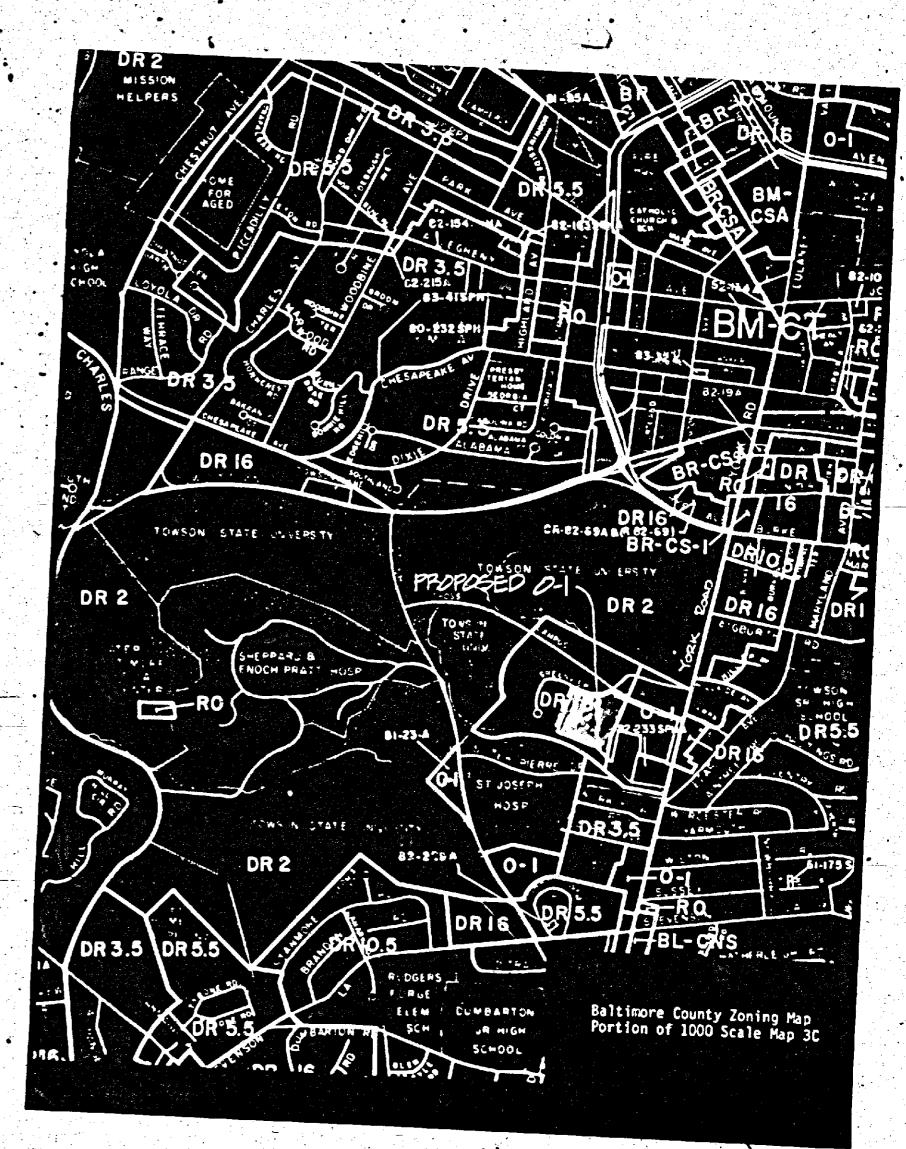
Nec.

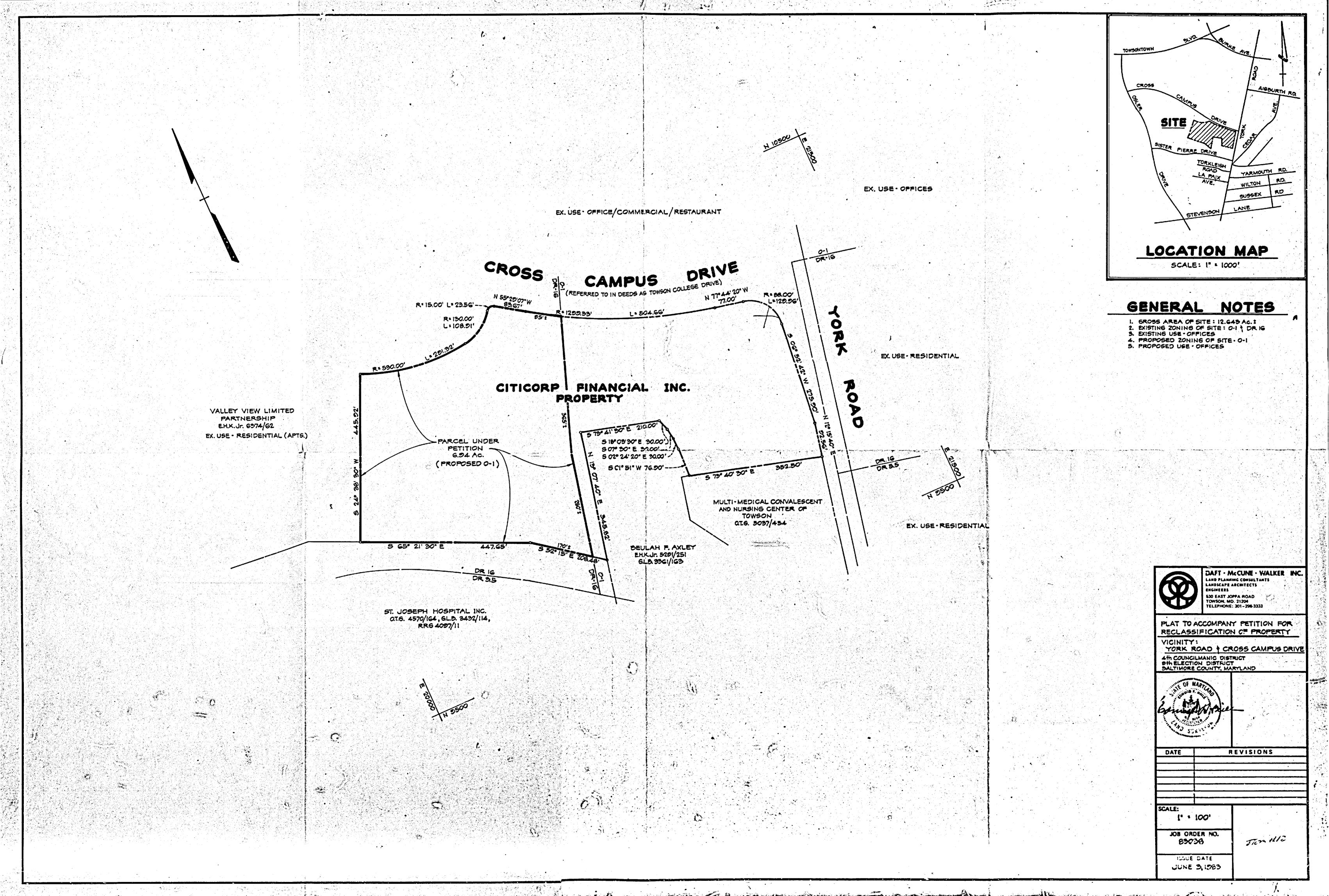
Location of Signs: James Maryland

Remarks:

Posted by Signature

Funder of Signs: James James Date of return: 10/14/33





CIRCUIT COURT BALTIMORE COUNTY

ZONING CASE NO. R-84-120

Case No. 16/117/84-M-62

OPINION

* * * * * * *

This is an appeal by the People's Counsel for Baltimore County from a decision of the County Board of Appeals of Baltimore County concerning the rezoning of property from D.R. 16 to 0-1 zoning.

The parcel of land now primarily used as a parking lot is located behind a present structure that is located on the Southwest Corner of York Road and Cross Campus Drive containing some 6.94± acres. On January 16, 1984, the County Board of Appeals ordered the reclassification of the 6.94± acres from D.R. 16 to 0-1.

On the 21st day of June, 1984, counsel for the parties were heard in open Court. The transcript of the testimony before the Board of Appeals having been reviewed along with the exhibits and memoranda filed by counsel for the parties having been considered, the Court cannot find that the Board was erroneous, arbitrary or capricious in the interpretation and finding of fact and the conclusion from those facts, nor in the application of the law to the facts, as it had before it evidence legally sufficient to support its decision. The Court finds that the issue presented is fairly

Therefore, it is this 22 nd day of June, 1984. ORDERED that the decisio, of the County Board of Appeals for Baltimore County is AFFIRMED. FILED JUN 221984

CONNIA BOYER DE VEDEVER RECEINED

William R. Buchanan, Sr., Judge True Copy Test ELMER H. KAHLINE, JR., Clerk . Dutter

June 1, 1983

Charles H. Slike, President Towson Manor Associates 7901 York Road Towson, Maryland 21204 .

Re: Citicorp Financial, Inc.

Dear Mr. Slike:

Enclosed is a copy of the memorandum which I submitted in support of Citicorp's request to the Planning Staff of Baltimore County to have the rear of its property rezoned from D.R.-16 to 0-1 on the map to be adopted by the Baltimore County Council in the fall of 1984. Because of the urgency of the need to expand, Citicorp may not be able to wait that long for assurance that it will be able to accommodate its expansion plans to the site. Accordingly, it will probably file a petition with the Board of Appeals for a change of zoning from D.R.-16 to 0-1 and request approval of the Planning Board and County Council to permit it to be considered out of the normal cycle.

If there is any additional information you require, please call C. Keith McLendon, Assistant Corporate Counsel for Citicorp at 337-2700, or myself.

Very truly yours,

Richard A. Reid

bc: Malcolm L. Jacobson, Vice President C. Keith McLendon, Assistant Corporate Counsel William Fred Walker, IV, President

ROYSTON, MUELLER, McLEAN & REID SUITE 600 **102 WEST PENNSYLVANIA AVENUE** TOWSON, MARYLAND 21204-4575 (301) 823-1800

February 21, 1984

David L. Kreek, President The Greater Towson Council of Community Assoc. 231 Linden Avenue Towson, Maryland 21204

> Re: Petition for Rezoning by Citicorp Pinancial, Inc. Case No. R-84-120 (Item 12)

Dear Mr. Kreek:

I am the attorney for Citicorp in the above-entitled case. I have obtained copies of your letters of February 13, 1984 to People's Counsel and the Board of Appeals on behalf of The Greater Towson Council of Community Associations. Your allegations of surprise and lack of notice are astonishing. It is indeed unfortunate that you did not acquaint yourself with the iccts prior to writing these letters. Such an effort on your part would have revealed that your allegations of surprise and lack of notice were groundless.

Prior to filing any request for rezoning, Citicorp met with Chairwoman Barbara Bachur, Councilwoman for the district involved, and requested that she arrange a meeting with representatives of the associations involved in order that Citicorp might advise them of its plans and obtain their reactions. Ms. Bachur kindly arranged such a meeting on May 24, 1983. Among those persons present was Carl E. Bruff, the President of your Association through December, 1983 which association had been identified to us as the Greater Towson Community Association. At that meeting, Citicorp displayed a model of its proposed construction and explained the necessity for rezoning. It also advised that while it would file a request for reclassification by the 1984 Map, it did not feel that it could wait that long and would, therefore, probably file a Petition for Rezoning with the Board of Appeals as well. That Citicorp so advised the group was reported in the TOWSON TIMES account of that meeting in its publication of June 1, 1983. That article, a copy of which is enclosed, also described accurately Citicorp's desire to work with the community in achieving the required change in zoning classification.

Thereafter, Citocorp met with any association which expressed interest in the rezoning. Specifically, it met with numerous representatives of your association at Towson High School on June 16, 1983

June 1, 1983

Pebruary 21, 1984

where it again displayed the model and explained its plans. At each meeting, Citicorp advised that it probably would file a Petition For Rezoning as well as a request for a change under the Map. Any possible doubt about Citocorp's intentions would have been removed by my letters of June 1, 1983 to the various associations, including your association, which asked to be kept advised copies of which are enclosed. There I

*Accordingly, it will probably file a petition with the Board of Appeals for a change of zoning from D.R.-16 to 0-1 and request approval of the Planning Board and County Council to permit it to be considered out of the normal cycle."

Furthermore, when Citicorp did, in fact, file its Petition For Rezoning, I sent copies of the Petition, the Plat, the Memorandum and all the documents required to be filed to those associations, including your association. Copies of those letters of June 24, 1983 are also enclosed. Accordingly, you and your association not only received every notice that the law required, but also extensive notice that the law did not require. The progress of the Petition was tracked in the MORNING SUN'S article of July 27, 1983 and August 2, 1983, copies of which are enclosed.

In addition, your reference to an appeal from the decision of the Zoning Commissioner is in error. The Zoning Commissioner has no jurisdiction in petitions for reclassification. Under \$2-58.1 of the Baltimore County Code, Petitions for Rezoning Reclassification are heard by the Board of Appeals. You did not receive a notice of an appeal from a decision of the Zoning Commissioner because there was none.

It seems to me that when a corporation enters a community and does everything possible to be a good neighbor as indicated above, it deserves something better than irresponsible allegations totally unrelated to the facts. I think you owe Citicorp an apology.

Very truly yours,

Richard A. Reid

RAR/keg Enclosures cc: Keith S. Franz, AB William R. Evans, AB Patricia E. Phipps, AB Diana K. Vincent, AB Joanne Suder, AB Leroy B. Spurrier, AB Honorable Donald P. Hutchinson Honorable Ronald B. Hickernell Honorable James T. Smith, Jr. Honorable Norman W. Lauenstein Honorable John W. O'Rourke

Honorable Clarence Long

Honorable Thomas B. Kernan Honorable F. Vernon Boozer Honorable Gary Huddles Honorable Barbara F. Bachur Honorable Eugene W. Gallagher Honorable Donald K. Hughes Honorable Hartha Klima Phyllis C. Friedman, People's Coun Norman E. Gerber, Office of Plannin

and Zoning B. Melvin Cole, Administrative Officer

Thomas Toporovich, Council Secretary Hoke Smith, President, TSU

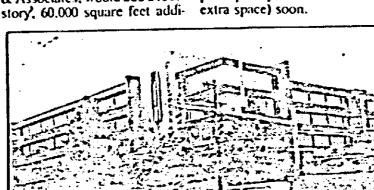
5-Year Expansion Would Triple Facility

Citicorp Seeks Expansion

Officials for Citicorp Finan- with Councilwoman Barbara F. late 1984." said Geesey. cial. Inc. hope to triple the size Bachur. of their Towson office head- "To do the first step means if CFI is to meet its future office quarters located at York Road we can do steps three and four." needs, he says. However, the and Cross Campus Boulevard New Maryland state banking additional wing will not be built over the next five years. But laws, which go into effect July 1. unless the zoning change perfirst they want the okay from permit the empany, owner of surrounding neighborhood the Choice credit eard, to exist obtained.

pand its services into the mort- "The dilemma that Citicorp If the community agrees to gage field. Plus, the financial faces is whether to commit the support the project, which regiant hopes to jump into the inquires a zoning change, the terstate banking industry after fore there is any assurance of complex will grow by 200 (xx) Congress approves pending leg- getting the 01 zoning for the square feet of office space and islation. increase its workforce from the "Our ability to expand in the Reid, the attorney representing present 650 employees to nearly state of Maryland is a function the company. of how fast Congress pursues According to the CFI lawyer,

The \$25 million project, de- the creation of interstate bank- the alternatives available for resigned by architect Mark Beck & Associates, would add a four-pens quickly, we will need (the include placing the request as



"In communities where you have a corporate headquarters that takes pride in their image like Citicorp, there is a tremendous positive impact on that community in general."

tion to the current building immediately and two three-story need for 60,000 square feet of structures directly behind the office space," added the Hamp-Citicorp offices later. Citicorp Financial, Inc. (CFI) state legislation. Officials recently purchased the 7.5-acre site adjacent to their new laws to set up a banking from the Board (of Appeals) property's western boundary- subsidiary called Citibank but must change its present zon-ing from D.R.16, which permits Maryland. Inc. and the com-ptroller's requirements call for worlds "said Reid"

only apartment dwellings, to 01. us to maintain a somewhat sepa-which would allow the low rise rate facility." Before beginning construct ters, he can either move or ex- been rated for the desired contion on the additional wing, pand. But CFI officials want to struction but while the zoning which could be permitted under stay in Towson. "This location has stayed the same, the types a special exception, CFI Presi-, satisfies us very much, "said the of construction allowed under dent Ron Geesey wants local company president. "It's a very the classification was recently civic leaders to approve the en-nice place to be working." revised. tire package and not oppose any Rather than moving, the curupgraded zoning request. " "We need to understand going a complete renovation Reid, making his case to the

timing work out with the upcoming map review but the urgency may be such that we are forced to go to the Board of Appeals (seeking an earlier judgement)," said Reid. sought, through the board but any time advantage could be

raison times - June 1, 1983

Construction must begin now

So the CFI officials are preton resident, because of the new senting their plans to the various ing their approval.

"If we can get the zoning without an appeal, that would

. To relieve the cramped quarthe property previously had rent office building is under- but the zoning rules did," said

ity associations in a meeting will only be enough to last until That argument probably would be viewed favorably by anyone asked to grant the upgrading but CFI officials hope the local residents will support

the project for its benefits to the "A corporation like this i wants to be a good neighbor." said Reid, "The last thing they want to do is move into a community and cause trouble." Architect Mark Beck emphasized the partnership created between a corporation and a community. "In communities where you have a corporate headquarters that takes pride in

whole plot," said Richard A. their image like Citicorp, there is a tremendous positive impaci an issue during the County on that community in general," Council's comprehensive map review process which has "It's more than just jobs and a already begun but will not be good looking building. There is a completed until October 1984. common interest shared by the

Citicorp has filed the necessary papers with the County's Keeping the facility attractive Office of Planning and Zoning is a high priority for CF!. for inclusion in the once-everyaccording to Senior Vice Presifour-years comprehensive dent Joseph Day, "We will be study. Yet the public procedure coordinating the exteriors of all may not be fast enough to satisthe buildings and designing the fy the company's space requiremulti-level parking to be below the building line," he said. "We would like to have the "Trees and landscaping will be planted along side Cross Campus Boulevard to keep it

"I can see the project next"

The representatives from the

inffected reserved comment on !

the proposal at their June board

by the local leaders at last week's meeting was the impact A reclassification may be on local roadways by the increased traffic from the larger number of office workers. Citilost if the surrounding communcorp officials said that even now ity associations fought the propthey try to minimize any conosal and appealed a ruling in gestion by staggering cm-Citicorp's favor to the Circuit' ployees' quitting times half-an-

> A member of the County's Department of Truffic of Engineering also will be reviewing the matter and reporting back to Councilwoman Bachur. The Fourth District Council member, while withholding her

final judgement on the office expansion, praised its economic The attorney pointed out that benefits to Towson. "I see the project as being very favorable to the area from a business perspective," she said. year (during the map review process) in a favorable way." three community associations

what we can do to that site," which will add 25 percent availGeesey last week told representatives able office space, giving it a total sentatives from three community representatives.

"All this could have been done of 120,000 square feet, "But that by a special exception request restricted community representatives.

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June 1, 1983

Ms. Susan Behm Wiltondale Improvement Association, Inc. 12 Aintree Road Towson, Maryland 21204

Re: Citicorp Financial, Inc.

Dear Ms. Behm:

Enclosed is a copy of the memorandum which I submitted in support of Citicorp's request to the Planning Staff of Baltimore County to have the rear of its property rezoned from D.R.-16 to 0-1 on the map to be adopted by the Baltimore County Council in the fall of 1984. Because of the urgency of the need to expand, Citicorp may not be able to wait that long for assurance that it will be able to accommodate its expansion plans to the site. Accordingly, it will probably file a petition with the Board of Appeals for a change of zoning from D.R.-16 to 0-1 and request approval of the Planning Board and County Council to permit it to be considered out of the normal cycle.

If there is any additional information you require, please call C. Keith McLendon, Assistant Corporate Counsel for Citicorp at 337-2700, or myself. .

Very truly yours,

Richard A. Reid

RAR/keg Enclosure

bc: Malcolm L. Jacobson, Vice President

C. Keith McLendon, Assistant Corporate Counsel William Fred Walker, IV, President Mr. Mark Beck

Very truly yours,

Richard A. Reid

June 1, 1983

RAR/keg Enclosure

bc: Malcolm L. Jacobson, Vice President C. Keith McLendon, Assistant Corporate Counsel William Fred Walker, IV, Fresident Mr. Mark Beck

at 337-2700, or myself.

Mr. George L. Hester

Towson, Maryland 21204

· 515 Wilton Road

Dear Mr. Hester:

Wiltondale Improvement Association, Inc.

to be considered out of the normal cycle.

Re: Citicorp Financial, Inc.

Enclosed is a copy of the memorandum which I submitted in

support of Citicorp's request to the Planning Staff of Baltimore

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call C. Keith McLendon, Assistant Corporate Counsel for Citicorp

If there is any additional information you require, please

will be able to accommodate its expansion plans to the site.

RAR/keg Enclosure

RAR/keg

Enclosure

Mr. Carl E. Bruff

15 Hillside Avenue

Dear Mr. Bruff:

Towson, Maryland 21204

at 337-2700, or myself. .

Mr. Mark Beck

Greater Towson Community Association

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bc: Malcolm L. Jacobson, Vice President

William Fred Walker, IV, President

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C. Keith McLendon, Assistant Corporate Counsel

Very truly yours,

Richard A. Reid

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Citicorp may not be able to wait that long for assurance that it

June 1, 1983

Mr. J. W. Trammell Wiltondale Improvement Association, Inc. 606 Yarmouth Road Towson, Maryland 21204

Re: Citicorp Financial, Inc.

Dear Mr. Trammell:

Enclosed is a copy of the memorandum which I submitted in support of Citicorp's request to the Planning Staff of Baltimore County to have the rear of its property rezoned from D.R.-16 to 0-1 on the map to be adopted by the Baltimore County Council in the fall of 1984. Because of the urgency of the need to expand, Citicorp may not be able to wait that long for assurance that it will be able to accommodate its expansion plans to the site. Accordingly, it will probably file a petition with the Board of Appeals for a change of zoning from D.R.-16 to 0-1 and request approval of the Planning Board and County Council to permit it to be considered out of the normal cycle.

If there is any additional information you require, please call C. Keith McLendon, Assistant Corporate Counsel for Citicorp at 337-2700, or myself.

Very truly yours,

Richard A. Reid

June 24, 1983

Re: Citicorp Financial, Inc. - Petition for Reclassification

For your information, I enclose herewith copies of the following documents relating to the above-referenced Petition:

Memorandum in support thereof with addendum summarizing the change in the financial laws as they apply to institutions in the State of Maryland.

5. 1,000 scale Zoning Map with subject property outlined.

7. Letter to the Planning Board requesting that the moratorium on filing petitions be lifted and that subject petition be considered outside of any cycle requirements.

If there is additional information you require, please contact me and I will do my best to see that it is furnished to you.

Very truly yours,

Richard A. Reid

6. 200 scale Zoning Map with subject property outlined.

8. Memorandum in support of No. 7 above.

RAR/keg Enclosure

bc: Malcolm L. Jacobson, Vice President C. Keith McLendon, Assistant Corporate Counsel William Fred Walker, IV, President Mr. Mark Beck

Leslie H. Graef, Executive Director Towson Development Corporation 102 W. Pennsylvania Avenue Towson, Maryland 21204

Zoning Plat.

4. Zoning Description.

1. Petition for Reclassification.

June 24, 1983

Mr. Carl E. Bruff Greater Towson Community Association 15 Hillside Avenue Towson, Maryland 21204

Re: Citicorp Financial, Inc. - Petition for Reclassification Dear Mr. Bruff:

As per your request, I enclose herewith copies of the following documents relating to the above-referenced Petition:

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2. Memorandum in support thereof with addendum summarizing the change in the financial laws as they apply to institutions in the State of Maryland.

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Richard A. Reid

RAR/keg Enclosures

bc: C. Keith McLendon, Assistant Corporate Counsel

June 24, 1983

Charles H. Slike, President Towson Manor Associates . 7901 York Road Towson, Maryland 21204

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Enclosures cc: Mr. George L. Hester Mr. J. W. Trammell both w/enclosures

Ms. Susan Behm

12 Aintree Road

Dear Ms. Behm:

Towson, Maryland 21204 .

3. Zoning Plat. :

4. Zoning Description.

Wiltondale Improvement Association, Inc.

1. Petition for Reclassification.

Dear Les:

IN THE MATTER OF Citicorp Financial, Inc. Case No. R-84-120 Citicorp Financial, Inc. Case No. R-84-120 IN THE IN THE THE APPLICATION OF IN THE MATTER OF FOR RECLASSIFICATION FROM THE APPLICATION OF CIRCUIT COURT CIRCUIT COURT CITICORP FINANCIAL, INC. FOR RECLASSIFICATION FROM D.R. 16 to 0-1 Order for Appeal filed in the Cîrcuit Ct. for Baltimore County People's Counsel's Exhibit No. 1 - Photos of site (IA to IL) FOR February 15, 1984 On Property Located on the FOR by Phyllis Friedman, People's Counsel for Baltimore County D.R. 16 to 0-1 Southwest corner York Road and On Property Located on the " " 2 - Cover sheet and page 6 of BALTIMORE COUNTY BALTIMORE COUNTY Cross Campus Drive Certificate of Notice sent to all interested parties Southwest comer York Rd. and 1980 Comp. Zoning Map Issues February 15, 1984 9th District Cross Campus Drive AT LAW AT LAW Petition to accompany Order for Appeal filed in the Circuit Ct. 9th District " * 3 - Cover sheet and page 2 of February 15, 1984 Phyllis Friedman, People's Counsel Misc. Doc. No. 16 County Council's Summary of for Baltimore County for Baltimore County, Appellant Misc. Doc. No. 16 Phyllis Friedman, People's Counsel for Baltimore County, Appellant Folio No. 117 Transcript of testimony filed February 21, 1984 Folio No. 117 Zoning File No. R-84-120 # 4 - County Council's minutes, 10/14/80 Zoning File No. R-84-120 File No. 84-M-62 Petitioner's Exhibit No. 1 - Receipt for filing File No. 84-M-62 * 5 - County Council Minutes, 6/13/80 " 2 - Receipt for advertising 6 - Transcript of Cty. Council hearing, CERTIFICATE OF NOTICE " " 3 - Zoning Plat CERTIFIED COPIES OF PROCEEDINGS BEFORE THE Mr. Clerk: * 7 - Towson Center Plan adopted by # # 4 - Zoning Description BOARD OF APPEALS OF BALTIMORE COUNTY County Council, April, 1978 Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of " 5 - Alternate zoning description Record of proceedings filed in the Circuit Ct. for Baltimore County Procedure, William T. Hackett, Keith S. Franz and Diana K. Vincent, constituting TO THE HONORABLE, THE JUDGE OF SAID COURT: 6 - Resolution of Planning Board Record of proceedings pursuant to which said Order was entered And now come William T. Hackett, Keith S. Franz and Diana K. Vincent, the County Board of Appeals of Baltimore County, have given notice by mail of the filing 7 - Minutes of County Council and said Board acted are permanent records of the Board of Appeals of Baltimore County, constituting the County Board of Appeals of Baltimore County, and in answer to the Order of the appeal to the representative of every party to the proceeding before it; namely, " 8 - As-Built Site Plan and your respondents respectively suggest that it would be inconvenient and inappropriate to for Appeal directed against them in this case, herewith return the record of proceedings Richard A. Reid, Esq., 102 W. Pennsylvania Ave., Towson, Md. 21204, Counsel for " " 9 - Zoning Plat 3-C file the same in this proceeding, but your respondents will produce any and all such rules had in the above entitled matter, consisting of the following certified copies or original Petitioner; C. Keith McLendon, Asst. Corporate Counsel, Citicorp Financial, Inc.,) - 200 Scale zoning plat and regulations whenever directed to do so by this Court. papers on file in the office of the Board of Appeals of Baltimore County: 7720 York Rd., Towson, Md. 21204, Petitioner; Phyllis Friedman, Court House, Towson, 10A - 200 Scale zoning plat with site ENTRIES FROM DOCKET OF BOARD OF APPEALS OF BALTIMORE COUNTY Md. 21204, People's Counsel for Baltimore County; Malcolm F. Spicer, Jr., Court House, Respectfully submitted, " " 11 - Zoning Plans Advisory Committee Towson, Md. 21204, County Attorney for Baltimore County; The Hon. Donald P. No. R-84-120 " " 12 - Report of Director of Plan. & Zoning Hutchinson, Court House, Towson, Md. 21204, County Executive for Baltimore County; Petition of Citicorp Financial, Inc., for zoning reclassification fire Holmen June 24, 1983 from a D.R. 16 zone to an 0-1 zone, on property located on the " 13 - Preliminary Staff Recommendations June Holmen and B. Melvin Cole, Court House, Towson, Md. 21204, County Administrative Officer southwest corner of York Rd. and Cross Campus Drive. County Board of Appeals of Baltimore
County 1984 Comprehensive Zoning Map 4th District Order of William T. Hackett, Chairman, County Board of Appeals, for Baltimore County, a copy of which Notice is attached hereto and prayed that it may be directing advertisement and posting of property - date of hearing 14 - Aerial Photograph dated 4/8/82 cc: Richard A. Reid, Esq. set for November 2, 1983, at 10 a.m. made a part thereof. C. Keith McLendon, Esq. Phyllis Friedman 15 - Aerial Photograph Certificate of posting of property - filed October 9, 1983 M. F. Spicer, Jr., Esq. " " 16 - Model (photos, A,B,C,D) Certificate of Publication in Newspaper - filed County Board of Appeals of Baltimore County / Rm. 200, Court House, Towson, Md. 21204 " 17 - Memorandum Comments of Baltimore County Zoning Plans Advisory Committee October 25, 1983 " 18 - Traffic report At 10 a.m. hearing held on petition November 2, 1983 " 19 - Boundary & Topographic study of site Order of County Board of Appeals ordering that the rezoning of the with Geo. Gavrelis's markings January 16, 1984 6.94+ acre parcel in question from D.R. 16 to 0-1 zoning be GRANTED. Citicorp Financial, Inc. Case No. R-84-120 494-3180 County Board of Appeals

Room 219, Court House
Towson, Maryland 21204 494-3180 I HEREBY CERTIFY that a copy of the aforegoing Certificate of Notice County Board of Appeals IN THE CIRCUIT COURT IN THE MATTER OF Room 219, Court House THE APPLICATION OF has been mailed to Richard A. Reid, Esq., 102 W. Pennsylvania Ave., Towson, Md. 21204, February 15, 1984 FOR BALTIMORE COUNTY Towson, Maryland 21204 CITICORP FINANCIAL, INC. FOR RECLASSIFICATION FROM February 15, 1984 Counsel for Petitioner; C. Keith McLendon, Asst. Corporate Counsel, Citicorp AT LAW D.R. 16 to 0-1 On Property Located on the Misc. Docket No. 16 Financial, Inc., 7720 York Road, Towson, Md. 21204, Petitioner; Phyllis Friedman, SW Corner York Rd. and Cross Campus Drive, 9th District Court House, Towson, Md. 21204, People's Counsel for Baltimore County; Malcolm F. File No. <u>84-11-6</u>2 Zoning Case No. R-84-120 Spicer, Jr., Court House, Towson, Md. 21204, County Attorney for Baltimore County; :::::: The Han. Danald P. Hutchinson, Court House, Towson, Md. 21204, County Executive Richard A. Reid, Esq. NOTICE OF APPEAL 102 W. Pennsylvania Ave. Phyllis Cole Friedman for Baltimore County; and B. Melvin Cole, Court House, Towson, Md. 21204, County Towson, Md. 21204 People's Counsel for Baltimore County Re: Case No. R-84-120 Please note an appeal to the Circuit Court for Baltimore County Court House Administrative Officer for Baltimore County, on this 15th day of February, 1984. Citicorp Financial, Inc. Towson, Md. 21204 Dear Mr. Reid: from the Opinion and Order of the County Board of Appeals of Baltimore Re: Case No. R-84-120 Notice is hereby given, in accordance with the Rules Dear Mrs. Friedman: Citicorp Financial, Inc. County, under date of January 16, 1984, granting a zoning reclassification of Procedure of the Court of Appeals of Maryland, that an appeal has

In accordance with Rule 8-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the zoning appeal which you have taken to the Circuit Court for Baltimore County in the above matter within

The cost of the transcript of the record must be paid by you. Certified copies of any other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you might file in court, in accordance with Rule B-7 (a).

Enclosed is a copy of the Certificate of Notice; also invoice covering the cost of certified copies of necessary documents.

Very truly yours,

June Holmen, Secretary

been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

cc: C. Keith McLendon, Citicorp Financial, Inc. Hon. Donald P. Hutchinson B. Melvin Cole M. F. Spicer, Jr., Esq.

A. Jablon J. Jung

J. Dyer N. Gerber J. Hoswell 8. Keman

from D.R. 16 to 0-1 in the above-captioned matter.

Phyllis Cole Friedman People's Counsel for Baltimore Courty Peter Mr Zimmenn Peter Max Zimmerman Deputy People's Counsel Room 223, Court House Towson, Maryland 21204 494-2188

Flatter Cole Franciscon

I HEREBY CERTIFY that on this 15th day of February, 1984, a copy of the foregoing Notice of Appeal was served on the Administrative Secretary of the County Board of Appeals of Baltimore County, Room 200, Court House, Towson, MD 21204, prior to the presentation of the original to the Clerk of the Circuit Court for Baltimore County; and that a copy thereof was mailed to Richard A. Reid, Esquire, 102 W. Pennsylvania Ave., Towson, MD

> 1. Cla Cle Frederica Phyllis Cole Friedman

Administrative Secretary Board of Appeals of Baltimore County

County Board of Appeals of Baltimore County

Encls.

IN THE MATTER OF

THE APPLICATION OF
CITICORP FINANCIAL, INC.

FOR RECLASSIFICATION FROM

D.R. 16 to 0-1

On Property Located on the
SW Corner York Rd. and
Cross Campus Drive,
9th District

Zoning Case No. R-84-120

: IN THE CIRCUIT COURT

HOW THE MATTER OF

IN THE CIRCUIT COURT

FOR BALTIMORE COUNTY

AT LAW

Misc. Docket No.

Folio No.

PETITION ON APPEAL

The People's Counsel for Baltimore County, Protestant below and Appellant herein, in compliance with Maryland Rule B-2(e), files this Petition on Appeal setting forth the grounds upon which this Appeal is taken, viz:

That the County Board of Appeals had no legally sufficient evidence upon which to base its conclusion that the present zoning on the parcel which is the subject of this appeal is an erroneous classification and therefore their Order passed herein is illegal, arbitrary, and capricious.

WHEREFORE, Appellant prays that the Order of the Board of Appeals of Baltimore County under date of January 16, 1984 be reversed, and the action of the County Council of Baltimore County in zoning the subject property D.R. 16 be affirmed and reinstated.

Phyllis Cole Friedman
People's Counsel for Baltimore County

Pute Mad Lummeura

Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204

I HEREBY CERTIFY that on this 14th day of February, 1984, a copy of the foregoing Petition on peal was served on the Administrative Secretary of the County Board of Appeals of Baltimore County, Room 200, Court House,

Citicorp Financial, Inc.
Case No. R-84-120

Exhibit No. 3, Summary of Issues, notes that should 0-1 be adopted by the County Council the Planning Staff would recommend its accordance to this site. Through this witness, People's Counsel also introduced Exhibits \$4,5 and 6. Mr. George Gaverellis, a former Planner for Baltimore County, testified as to the complete history of this site and the changes that have occurred since the 1980 Comprehensive Maps were adopted. He summarized all these points and recommended the adoption of the 0-1 classification.

This witness concluded Petitioner's case.

Mr. Michael Flanigan, Assistant Traffic Engineer, testified in opposition to the 0-1 granting, noting that the intersection of York Road and Burke Avenue the intersection most to be affected, was already rated a "D" intersection. He noted that York and Stevenson was also a "D" intersection. He also agreed to submit traffic count figures to substantiate these "D" ratings. By letter dated November 14, 1983 to the Board from Richard A. Reid, these "D" ratings apply to only one lane out of four, both moming and evening peak hours. In addition, Mr. Flanigan testified that the Towsontown Boulevard was already under construction, to be completed within one year and could be expected to improve this intersection's ratings. This completed People's Counsel's case. The record on all the above testimony will speak for itself and the condensation herein given is merely a "touching on" of the same.

In Board has before it a request to rezone a 6.9 acre parcel of DR 16 land only ever used as a parking area, to an 0-1 classification for eventual use for an office building to employ 650 to 850 persons. There was presented to the Board no evidence that the proposed use would be detrimental to the area. There was testimony that the zoning line was in error, since it did not follow natural boundaries but merely extended across the subject site. The Board is not convinced that this is a persuasive argument, since it would require that the County Council delineate each and every mound, gully, alley, hedgerow, etc., as a natural zoning boundary. There is, however, in the Board's opinion, strong evidence of change in this parcel and this area since the adoption

Towson, MD 21204, prior to the presentation of the original to the Clerk of the Circuit Court for Baltimore County; and that a copy thereof was mailed to Richard A. Reid, Esquire, 102 W. Pennsylvania Ave., Towson, MD 21204.

Phyllis Cole Friedman

9.34

Edith T. Eisenhart Date
Administrative Secretary,
Board of Appeals of Baltimore County

Citicorp Financial, Inc. Case No. R-84-120

of the 1980 Comprehensive Maps. The first evidence of change is in the parcel itself. During the 1980 map process, the property was owned by the Exxon Corporation, and there was no indication of any specific change contemplated in its use; therefore to confirm the existing zoning could be appropriate. Now, however, based upon the testimony presented there is a suggested possible use, and a use that appears beneficial to Baltimore County in general. The situations between 1980 and 1983 are thus drastically different and the uses possible with the requested zoning would certainly require different consideration. Additionally, in 1980, there was a serious student housing problem associated with Towson State Univ. and the Council was striving to protect and maintain all residential zoning that could be used to alleviate this problem. In 1983, a student highrise dormitory complete was completed just some 500 feet from the subject parcel. This complex accommodates some 1,684 students and at present there is no waiting list for on-campus housing. This complex therefore negates the need for total protection of all nearby residentially zoned areas suitable for development as student housing, a need that surely existed in 1980. As such, a change from previously needed residentially zoned property in this neighborhood is obvious. Additionally, there was also no evidence that the traffic to be generated by this rezoning would drastically negatively affect nearby intersections as road improvements begun since 1980 have come into existence. A final area of change that the Board recognizes, though it is not inherent to the land itself, is the significant change in the state banking laws. In 1980, banking establishments were leaving Maryland and establishing home offices in adjoining states. In 1982 and 1983, laws were enacted to specifically curb this flow. Citicorp wishes to take advantage of these changes in the law and locate their regional office on this site, provided proper zoning to do so is approved For all these reasons, the Board is of the opinion that the requested rezoning should be granted and will so order.

IN THE MATTER OF
THE APPLICATION OF
CITICORP FINANCIAL, INC.
FOR RECLASSIFICATION FROM
D.R. 16 to J-1
On property located on the

COUNTY BOARD OF APPEALS

OF

BEFORE

southwest corner York Road and : BALTIMORE COUNTY
Cross Campus Drive
9th District : No. R-84-120

OPINION

This case comes before this Board on Petition for a Reclassification of 6.94± acre from DR 16 to 0-1. The property owner also requested that this reclassification request be exempted from the regular cyclical procedure of 2-58.1 (c) thru (h) inclusive of the Baltimore County Code as presently amended. By resolution 66-83, the Baltimore County Council approved this request and ordered a hearing on this issue by the Baltimore County Board of Appeals, this hearing being held on Nov. 2, 1983.

From testimony and evidence presented the Board this day, the following history of the subject site has been derived. The original zoning on the site prior to 1956 was designated R.A., a classification at that time comparable to the present D.R. 16. In 1956, a Special Exception to allow an office building was granted for the front portion of the site and B.M. zoning accorded the rear portion of the site. In 1957 Exxon erected the office building granted by this Special Exception. In 1964, Exxon added an additional floor to this office building and graded the rear portion to provide a parking area. In 1971 the first comprehensive maps were produced, at which time all R.A. zonings became DR 16. On this comprehensive map, the rear portion, having never been used under its B.M. classification, was returned to DR 16 classification. In 1976, the second comprehensive map was produced and confirmed the rear portion or parking area as DR 16. In 1977, Citicorp Financial, Inc. purchased the front portion, some 5.7+ acres containing the existing office building, from the Exxon Corporation. In 1980, the third comprehensive map was produced and legislation enacted that created the new 0-1 and 0-2 office zones. The 5.7+ acre portion containing the office building was classified 0-1 at this time and the rear parcel containing some 6.9+ acres having neve

Citicorp Financial, Inc. Case No. R-84-120

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 16th day of January, 1984, by the County Board of Appeals, ORDERED that the rezoning of the 6.94+ acre parcel in question from D.R. 16 to 0-1 zoning be and the same is GRANTED.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

OF BALTIMORE COUNTY

William T. Hackett, Chairman

Keith S. Franz

Diana K. Vincent

Citicorp Financial, Inc.
Case No. R-84-120

been used for any purpose other than parking, was classified once again to DR 16. In April, 1983, Citicorp Financial, Inc. purchased this 6.9± acre parcel and petitioned for its reclassification from DR 16 to 0-1, to allow for future expansion as affice use.

Petitioner presented six (6) witnesses in support of his petition.

Mr. William T. Walker, Surveyor, prepared the plat of the subject site and testified as to the purchase date and its present use as a parking area. Mr. Joseph Day, Senior Vice President of Citicorp, testified as to the reasons Citicorp needs the zoning reclassification.

These are briefly as follows:

- 1. Citicorp now owns Choice Credit and desires to utilize this location as a regional headquarters for Choice. The presently zoned 0-1 area is not large enough to permit this, thus the request for 0-1 on the 6.9 acre portion of the site.
- 2. The present office building presently being renovated contains some 120,000 sq. ft. and houses 650 employees.
- An additional building of some 80,000 to 100,000 sq. ft.
 is to be erected on the 0-1 portion of this site and will house
 some 300 additional employees.
- 4. Two new additional office buildings will be necessary on the now DR 16 portion to support the ones on the existing 0-1 portion and will house some 650 to 850 additional employees. This project must be considered in its entirety as no single portion can stand alone.
- Mr. Charles McLendan, Assistant Corporate Counsel for Citicorp, testified as to the banking law changes that tempt Citicorp to locate their regional offices on this site. This testimony is detailed in Petitioner's Exhibit No. 17. Mr. John Guckert, Traffic Engineer, testified as to his traffic study done of the site and nearby areas. His testimony is completely covered by Petitioner's Exhibit No. 18, and his testimony indicated no adverse impact on the nearby road system if the 0-1 zaning is granted and the assumed additional traffic generated by its erection considered. Mr. James Hoswell, Planner for Baltimore County, testified that he prepared the letter entered as Petitioner's Exhibit No. 12. He noted that on the log of issues entered as People's Counsel's Exhibit No. 2, that this parcel was issue 4-41 and that R.O. was recommended, but also noted

MEMORANDUM OF CITICORP FINANCIAL, INC.
IN SUPPORT OF ITS PETITION TO REZONE A PORTION
OF ITS LAND FROM D.R.-16 TO 0-1

that at this time, the 0-1 or 0-2 office zones had not been enacted. People's Counsel's

INTRODUCTIO

Citicorp Financial, Inc., a belaware corporation (CFI), recently determined to make Towson the Regional Headquarters for its Mid-Atlantic Division which includes Maryland, Pennsylvania, Delaware, Virginia, West Virginia and the District of Columbia.

Such operation is currently housed in the building on York Road formerly known as the Exxon Building which it acquired in 1977, together with the parcel of land upon which it was built (hereafter referred to as the York Road Parcel) together with the right to use the adjoining parcel for parking (the subject of this request and sometimes referred to hereafter as the Rear Parcel) from Exxon which owned both parcels. The business of CFI is growing at such a rate, however, that it will not be able to maintain its Regional Headquarters at such location unless it can expand. To this end, it acquired subject Rear Parcel in April, 1983.

It now seeks to have it rezoned from D.R.-16 to 0-1 in order to (a) have sufficient floor area ratio to expand its existing facility by an addition thereto to satisfy its immediate needs, Phase I, and (b) have sufficient zoned land to accommodate its anticipated future requirements of two additional office buildings to be located on subject Rear Parcel, Phase II. 1/

It cannot begin Phase I, however, without some assurance that it will be able to build the two office buildings on subject Rear Parcel, Phase II. This will require a change in the zoning of subject Rear Parcel from D.R.-16 to 0-1. Since CFI's need for the immediate expansion under Phase I is urgent

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Actually, a small portion of subject tract is already zoned 0-1.

and critical, it must have that assurance now. The only way to obtain it is by having a petition for rezoning considered outside of the restraints of the cycle filing requirements of Batimore County Code, Section 22-24 and by lifting the suspension of filings required by Baltimore County Code, Section 22-25.

STATEMENT OF FACTS

The subject Rear Parcel (6.94 acres) has been used in conjunction with the York Road Parcel (5.70 acres) at the corner of York Road and Cross Campus Drive for offices for over 27 years. Shortly after 1956, the Exxon Building was constructed on the York Road Parcel for which parking was provided on subject Rear Parcel. In 1977, CFI purchased the York Road Parcel and the 120,000 square feet office building from Exxon with a right to continue to use subject Rear Parcel for parking. It purchased subject Rear Parcel in 1983.

In 1980, the Baltimore County Council enacted legislation which created office zones and eliminated offices as a special exception use in D.R.-16 zones. When the comprehensive zoning maps were adopted that same year, the York Road Parcel was zoned 0-1, but subject Rear Parcel was continued in a D.R.-16 category. \perp This had the effect of removing office zoning which had existed for over 27 years from subject Rear Parcel.

The zoning map of 1955 zoned subject Rear Parcel R.A., which permitted offices and elevator office buildings by special exception. In 1956, 5 acres of such parcel were rezoned B.M. by petition with a special exception for an inn; B.M. included offices as a permitted use. $\frac{2}{}$ In 1971 and 1976, such parcel was zoned D.R.-16, which again permitted offices

1/ Actually, a small portion of subject was zoned 0-1.

OTHER ERROR

0-1 zoning was applied to the York Road Parcel with the

D.R.-16. Office zoning passed September 2, 1980 became effective

with new Comprehensive Zoning Maps adopted in October of 1980.

The short time span, a little over one month, wherein a final

0-1 zone, together with developmental standards was officially

could, indeed, take place on the area zoned 0-1, the York Road

Since the original Exxon office building was constructed

established did not enable comprehensive analysis of the CFI

property to determine whether or not reasonable expansion

in the 1950's and certainly by the time that building was

expanded in the mid 1960's, the total site (the York Road

Parcel and the Rear Parcel) has been utilized as a unified

whole for office use. Office building use on the York Road

Parcel was supported by parking on the Rear Parcel. Grading

undertaken to provide the parking component for the existing

office building further relates the Rear Parcel physically to

the York Road Parcel and the existing office building and

separates it from the existing buildings in the Valley View

parking on the Rear Parcel is by means of the driveway into

Comprehensive analysis of the then existing use and

development of the total site would have identified that the

Rear Parcel - graded and utilized for parking, indeed was an

on the York Road Parcel. Comprehensive analysis would also

integral and component element of the office building existing

Apartment Development. Further, the only access to the component

intention that expansion could occur by utilizing existing or

increased parking by use permit on subject Rear Parcel zoned

In 1957, a use permit for parking on 2.2 acres adjoining the B.M. tract was granted in conjunction with office use of the adjoining parcel by Exxon.

by special exception. In 1980, the D.R.-16 classification was continued, but the zoning regulations were amended so that offices were no longer permitted in a D.R.-16 zone. Office use since 1980 has been restricted to the 0-zones, Business Zones and Manufacturing Zones.

ARGUMENT

ERROR AND CHANGE

and the state of t

At the outset, it should be noted that error within the context of the zoning law of Maryland does not necessarily imply a culpable wrong by the legislative body adopting a comprehensive zoning map. It often, as here, means simply that if the legislative body knew at the time of adoption what it knows now, it probably would have acted differently.

In adopting the comprehensive zoning maps in 1980, the County Council evidently felt that whatever expansion would be required by CFI could be accomplis I on the York Road Parcel zoned 0-1 with parking on the Rear Parcel zoned D.R.-16. This premise has proven incorrect for two reasons: the requirements for expansion by CFI are greater than anticipated because of dramatic changes in the laws relating to financial institutions; the ability of CFI to expand in the existing 01 zone is less than anticipated because of floor area ratio constraints.

In 1980, when the existing comprehensive zoning maps were adopted, the climate in Maryland for financial institutions, especially those operating on an interstate basis, was not favorable. Maryland's laws forced several banks to move their credit card operations out of the State. It was rather improbable to think that any major financial institution such as CFI would maintain a significant credit card operation in the state, certainly not a regional headquarters therefor.

BUITE 600 102 W. PENN. AVE TOWSON, MARYLAND

ROYSTON, MUELLER Milean & Reid

EUITE 600

Recently enacted laws summarized in the addendum hereto have made Maryland attractive once again to the financial industry. While there may have been little reason in 1980 to anticipate substantial growth of CFI, there is now a great need and demand for it to expand its existing facility. Such expansion will necessarily have to take place on the York Road Parcel zoned 0-1 and on subject Rear Parcel zoned D.R.-16. The change in zoning of subject Rear Parcel from D.R.-16 to 0-1 is necessary not only to provide buildings for offices on subject tract, but also to provide sufficient area to meet the floor area ratio requirements for the York Road Parcel which, without such additional land, would be limited to 17,800 square feet of expansion. CFI requires 230,000 additional square feet, 80,000 of which will be on the York Road Parcel already zoned

Since 1980, however, the picture has changed dramatically.

It is submitted that the County Council probably did not realize the floor area ratio restrictions that 0-1 zoning on the York Road Parcel would have on the ability of CFI to expand. Office zones, 0-1 and 0-2, were established by the County Council in September of 1980 to be effective with the adoption of the new comprehensive zoning maps in October of the same year. The short time span did not allow for a comprehensive analysis of the effect of application of 0-1 zoning on particular tracts such as CFI's. Analysis now affirms that 0-1 zoning permits no meaningful expansion of currently existing office space.

The foregoing demonstrates both error in the 1980 map and change in condition since the map. To the extent that the County failed to anticipate the needs of CFI to expand, and to assume that all needed expansion could take place on the York

Road Parcel (zoned 0-1) with parking ch subject Rear Parcel (zoned D.R.-16), constituted error. To the extent that the need for expansion beyond the York Road Parcul (zoned 0-1) has developed as a result of change in conditions for financial institutions in Maryland, it constitutes a change. Both, or either, would justify rezoning herein. The situation here is similar to re-zoning based upon the emergence of a general need for a particular zone in a particular location since adoption of comprehensive maps. In Rohde v. County Board, 234

Md. 259 (1964), the court said at pages 267-268:

** * *The applicant produced considerable expert testimony to show that either as a result of lack of anticipation of trends of development in 1955, or as a result of changes in trend which have occurred since then, whether anticipated or not, the existing zoning was in error at the time of the hearing. The trend has been towards apartments and. particularly in areas close to the City of Baltimore, towards high rise apartments. The need and demand for such rental accommodations have increased greatly over the last several years, and the subject property is described as a prime site for apartment development, including high rise apartments. * * **

To the same effect, see Pressman v. Mayor and City Council of Baltimore, 222 Md. 330 (1969 - failure to anticipate trend toward shopping centers and zone land of sufficient size therefor); Bosley v. Hospital, 246 Md. 197 (1967 - increase in housing units and concurrent growth of population in neighborhood sufficient to justify need for additional commercial zoning); accord: Finney v. Halle, 241 Md. 225 (1966 -failure to anticipate need for high rise apartments).

There can be little doubt that if the County Council knew in 1980 that it was necessary to zone subject Rear Parcel 0-1 in order to accommodate CFI's need for expansion and permit it to retain its regional headquarters here in Baltimore County with the attendant benefits to Baltimore County in the form of jobs, taxes, etc., it would have done so.

have led to a determination that 0-1 zoning on the overall tract was the only zone which accurately reflected its existing use and future potential.

Quite aside from the use of subject Rear Parcel, it was error not to zone it 0-1 because it is related physically to the 0-1 zone adjoining to the east and not to the D.R.-16 zone adjoining to the west. The York Road Parcel and the Rear Parcel have been graded to form an interior plateau which is significantly higher than and divorced from the existing apartment buildings on its westerly boundary (or even Saint Joseph's Hospital to the south) and lower than existing apartment buildings along the northwest boundary. The division between the 0-1 zone and the D.R.-16 zone should have been the man made boundary established by the grade change and not an arbitrary line drawn through two integrally related parcels the York Road Parcel owned by CFI and the Rear Parcel leased by CFI for parking, which together constituted a unified use of the whole tract. Good zoning seeks to adopt natural or man made boundaries between zones. Pahl v. County Board of Appeals, 237 Md. 294 (1965); 82 Am. Jur. 2d, Zoning and Planning, \$79, and avoids dividing a single lot into two zones by arbitrary lines (cf. 82 Am. Jur. 2d, Zoning and Planning, §84).

OTHER CHANGE

Serious traffic conditions at the York Road and Burke Avenue intersection, existing at the time of the adoption of the 1980 zoning maps, inhibited land use decisions. The intersection of York Road and Burke Avenue was inadequate and had been at or near failing conditions for a long period of time. The Services Maps in effect in 1980 designated this intersection as "F" and allocated no traffic capacity for

development within its comutershed or impact area. The subject property fell within that impact area.

Since then, plans have been made, rights of way acquired and construction is now underway to correct that traffic deficiency. Completion is expected with certainty by the fall of this year. Enhanced capacity at the intersection resulting from the improvements will remove traffic constraints and change the basic services limitations imposed on development of the CFI property.

CONCLUSION

For the foregoing reasons, CFI's petition to rezone a portion of its property (the Rear Parcel) from D.R.-16 to 0-1 should be granted.

Respectfully submitted,

Richard A. Reid Suite 600 102 West Pennsylvania Avenue Towson, Maryland 21204 823-1800

Attorney for Petitioner

ADDENDUM OF CITICORP IN SUPPORT OF ITS PETITION FOR REZONING

SUMMARY OF THE CHANGING LEGAL ENVIRONMENT IN MARYLAND FOR FINANCIAL INSTITUTIONS

Citicorp Financial, Inc. (CFI), located at 7720 York Road in Towson, Maryland, is a wholly owned subsidiary of Citicorp. New York based Citicorp is what is known as a bank holding company, that is, a corporation organized to hold and own the stock of banking entities and related businesses. CFI is a lender and financer licensed under the appropriate laws of the State of Maryland.

Beginning in the late 1970's, the monetary and financial climate of the nation experienced an exception upheaval. Interest rates skyrocketed to unprecedented levels. Costs of goods and services surged upwards. Unfortunately, most state governments, including Maryland, were slow to react to these forces. Laws regulating finance and credit, which had served well for many years, simply did not keep pace with market realities. When a few states (notably Delaware) became among the first to undertake a comprehensive redrafting of their credit laws, several large Maryland financial institutions fled to Delaware to take advantage of these laws, taking with them many jobs and much cash flow. CFI, however, chose to stay in Towson and work to change Maryland law. Consequently, due in part to CFI's efforts and other interested citizens, in the period between 1980 and the present, Maryland laws which directly affect CFI's business have changed drastically. Legislation passed in 1982 (House Bill 1853) and 1983 (Senate Bill 591) paved the way for a vast array of new business possibilities. These new laws have greatly expanded CPI's

Parcel.

the York Road Parcel.

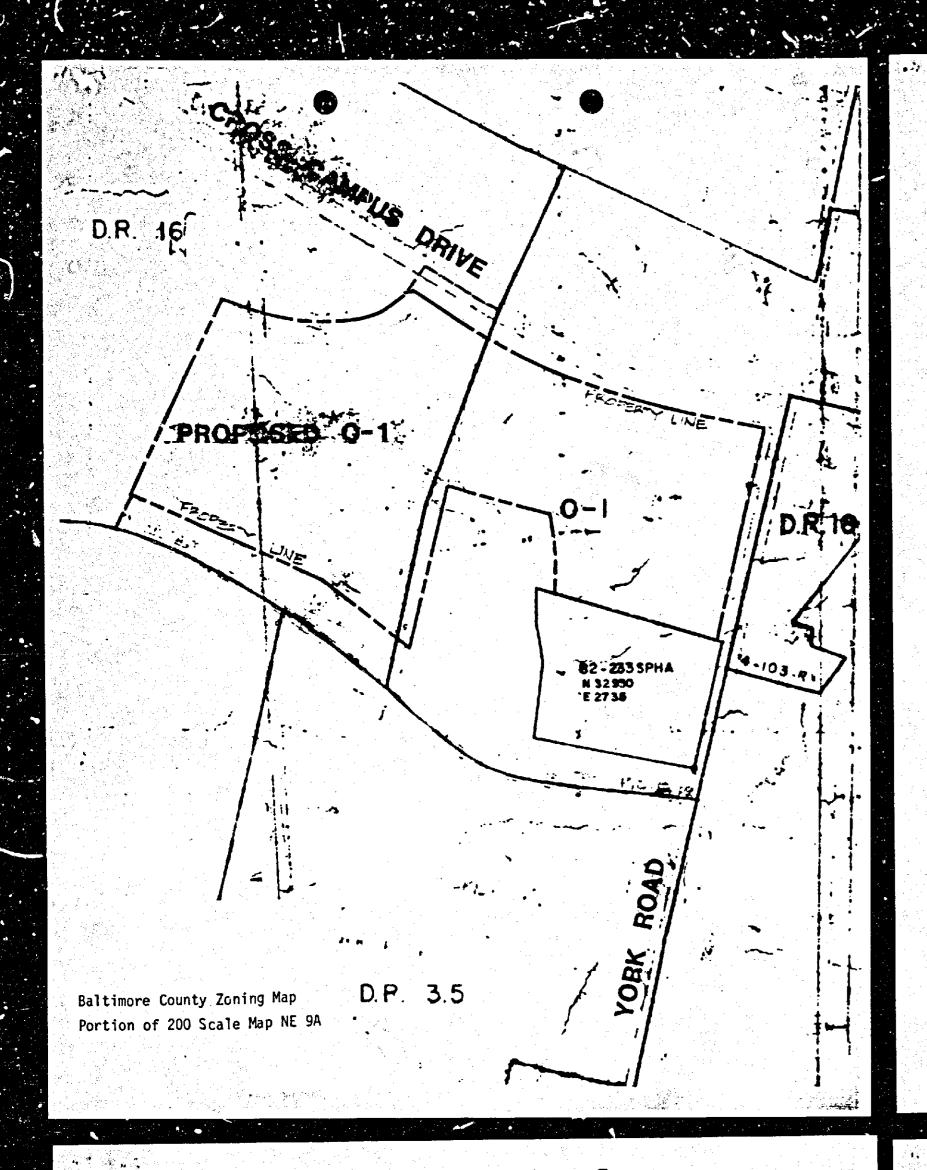
ROYSTON, MUELLER, McLEAN & REID

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102 W. PENN. AVE. TOWSON, MARYLANS

ROYSTON, MUELLER, McLEAN & REID

MOYSTON, MUELLER, McLEAN & REND



DAFT-M-CUNE-WALKER, INC.

530 East-loppa Road Towso Id. 21204 Telephone: 301-296-3333 **Land Planning Consultants** Landscape Architects

Engineers

DESCRIPTION

6.94 Acre Parcel Cross Campus Drive Near York Road Ninth Blection District Baltimore County, Maryland

BEGINNING for the same at the intersection of the zoning line which divides the 0-1 and D.R. 16 zones and the South side of Cross Campus Drive, said point being located 487 feet more or less as measured along the South side of Cross Campus Drive from a fillet connecting said South side of Cross Campus Drive and the West side of York Road, thence leaving said zoning line and running with and binding on said South side of Cross Campus Drive and also on part of the seventh and the eighth lines of the outline of a parcel of land described in a deed dated December 1, 1977 from Greater Towson Realty, Inc. to Exxon Corporation and ecorded among the land records of Baltimore County in Liber E.H.K., 5832 folio 363 (1)

Northwesterly by a curve to the right with the radius of 1,299.33 feet and the length of 95 feet more or less, (2) North 55 degrees 29 minutes 07 seconds West 83.67 feet, thence leaving said South side of Cross Campus Drive and running and binding on the ninth, tenth, eleventh, twelth, first and part of the second lines of said sforementioned outline, (3) Southwesterly by a curve to the left with the radius of 15.00 feet, the length of 23.56 feet, the chord of said curve being south 79 degrees 30 minutes 53 seconds West 21.21 feet,

(4) Southwesterly by a curve to the right with the radius of 130.00 feet, the length of 108.91 feet, the chord of said curve being South 58 degrees 30 minutes 53 seconds West 105.75 feet, (5) Northwesterly by a line curving to the right with the radius of 530.00 feet, the length of 291.32 feet, the chord of said curve being North 81 degrees 44 minutes 20 seconds West 287.66 feet, (6) South 24 degrees 38 minutes 30 seconds West 445.92 feet, (7) South 65 degrees 21 minutes 30 seconds East 447.65 feet and (8) South 52 degrees 15 minutes 00 seconds East 170 feet more or less to a point on said aforementioned zoning line thence binding thereon (9) Northeasterly 280 feet more or less and (10) Northeasterly 365 feet more or less to the place of beginning.

Containing 6.94 acres of land more or less.

June 7, 1983

Our File No. 83038

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Leonard S. Jacobson Date___July 22, 1983 TO County Solicotor

Norman E. Gerber, Director FROM Office of Planning and Zoning

Citicorp Financial, Inc. Property Request for Exemption from Cyclical Procedures

Attached please find the subject resolution adopted by the Planning Board at its meeting on July 21, 1983. Please prepare the necessary material for the County Council's consideration.

NEG: JH: cay

Attachment

cc: The Honorable Donald P. Hutchinson County Executive

> B. Melvin Cole County Administrative Officer

Thomas Toporovich County Council Secretary-Administrator

William T. Hackett, Chairman 🗸 County Board of Appeals

John W. Hessian, III

People's Counsel

James E. Dyer

Zoning Supervisor Richard A. Reid, Esquire

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BALTIMORE COUNTY PLANNING BOARD RESOLUTION July 21, 1983

Pursuant to Subsection 2-58.1(1) of the Baltimore County Code 1978 as amended, the Baltimore County Planning Board has reviewed the request by Citicorp Financial, Inc. to exempt from the zoning cycle the subject reclassification petition; and

WHEREAS.

The Planning Board believes that early action is required on this petition to provide for consideration of the timely expansion and benefits therefrom; now therefore, be it

That the Baltimore County Planning Board hereby certifies to the County Council of Baltimore County that early action on the subject Zoning Reclassification Petition would be in the public interest.

I HEREBY CERTIFY that the above resolution was duly adopted by the Baltimore County Planning Board at its meeting in Towson, Maryland, on July 21, 1983.

July 21, 1983

Secretary of the Baltimore County Planning

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ROYSTON, MUELLER, MCLEAN & REID ATTORNEYS AT LAW

102 WEST PENNSYLVANIA AVENUE

(301) 823-1800

CARROLL W. ROYSTON H. ANTHONY MUELLER R. TAYLOR MCLEAN RICHARD A. REID MILTON R. SMITH, IR. C. S. KLINCELHOFER III THOMAS F. McDONOUGH LAWRENCE F. HAISLIP

JOHN L.ASKEW TOWSON, MARYLAND 21204

June 24, 1983

HAND DELIVERED

Kenneth D. Dryden, Chairman Baltimore County Planning Board Room 106 County Office Building Towson, Maryland 21204

> Re: Citicorp Financial, Inc. - Petition for Zoning Reclassification

Dear Chairman Dryden:

Citicorp Financial, Inc. has delivered the above-entitled Petition for Reclassification to the Zoning Commissioner of Baltimore County pursuant to the Rules of Procedure of the County Board of Appeals of Baltimore County.

It is requested that the Planning Board certify to the County Council that early action upon such Petition is manifestly required in the public interest and because of an emergency existing for Petitioner pursuant to the provisions of Baltimore County Code, Section 22-24(i) for the reasons set forth in the attached memorandum so that such Petition may be exempted from the regular cyclical procedure of Subsections (c) through (h) of Section 22-24 and also for the suspension of reclassification-petition filing required under Section 22-25 of such Code.

Very truly yours,

Richard A. Reid

RAR/keg Enclosure

MEMORANDUM IN SUPPORT OF REQUEST FOR EARLY ACTION ON ZONING RECLASSIFICATION PETITION PURSUANT TO BALTIMORE COUNTY CODE SECTION 22-24(i) AND EXEMPTION FROM THE SUSPENSION OF RECLASSIFICATION PETITION FILING

Citicorp Financial, Inc., a Delaware corporation (CFI), recently determined to make Towson the Regional Headquarters for its Mid-Atlantic Division which includes Maryland, Pennsylvan: Delaware, Virginia, West Virginia and the District of Columbia. Such operation is currently housed in the building on York Road formerly known as the Exxon Building which it acquired in 1977, together with the parcel of land upon which it was built (hereafter referred to as the York Road Parcel) together with the right to use the adjoining parcel for parking (the subject of this request and sometimes referred to hereafter as the Rear Parcel) from Exxon which owned both parcels. The business of CFI is growing at such a rate, however, that it will not be able to maintain its Regional Headquarters at such location unless it can expand. To this end, it acquired subject Rear Parcel in April, 1983.

It now seeks to have it rezoned from D.R.-16 to 0-1 in order to (a) have sufficient floor area ratio to expand its existing facility by an addition thereto to satisfy its immediate needs, Phase I, and (b) have sufficient zoned land to accommodate its anticipated future requirements of two additional office buildings to be located on subject Rear Parcel, Phase II.

ROYSTON, MUELLER. 102 M. PENN AVE. TOWSON, MARYLAND 21204-4575

1/ Actually, a small portion of subject tract is already zoned 0-1.

It cannot begin Phase I, however, without some assurance that it will be able to build the two office buildings on subject Rear Parcel, Phase II. This will require a change in the zoning of subject Rear Parcel from D.R.-16 to 0-1. Since CFI's need for the immediate expansion under Phase I is urgent and critical, it must have that assurance now. The only way to obtain it is by having a petition for rezoning considered outside of the restraints of the cycle filing requirements of Batimore County Code, Section 22-24 and by lifting the suspension of filings required by Baltimore County Code, Section 22-25.

The foregoing constitutes an emergency situation for CFI. It has to expand now! It wants to do so in Baltimore County, but does not have zoning permitting it to do so. If it cannot get the zoning it requires promptly, it will be required to consider moving its regional headquarters to one of the other political subdivisions which are actively soliciting it.

That immediate consideration of CFI's petition is manifestly required in the public interest is apparent when one considers what is at stake for Baltimore County. CFI now employs 650 people in its existing facility on York Road. Completion of Phase I will add 300 new people to the work force. Completion of the two new office buildings on subject will create 650-850 jobs. None of the expansion will require any public assistance.

If CFI cannot expand at the existing site, it will have to relocate its Regional Headquarters. This would result in a

loss of 650 existing jobs and up to 1,150 new jobs created at no expense to Baltimore County. In addition, Baltimore County would not gain the addition to its real property tax base represented by three new office buildings, and, since such buildings would house computer operations, would lose the potential for increased personal property taxes.

It is submitted that the proposed zoning and use of subject for offices for the Headquarters of CFI's Mid-Atlantic Division will be in harmony with other uses in the neighborhood. It, of course, represents a logical extension of the 0-1 use now enjoyed by CFI's existing facility on the York Road Parcel. Across Cross Campus Drive from the subject to the west is the former Blue Cross Building in an 0-1 zone and the institutional uses of Towson State. To the south, subject is joined by the institutional uses of St. Joseph Hospital. To the west and at a different elevation than the subject are the Valley View Apartments, the entrance to which, from Cross Campus Drive, together with the topography, would serve to separate them from the proposed use of subject.

> Richard A. Reid Suite 600 102 West Pennsylvania Avenue Towson, Maryland 21204

Attorney for Petitioner

TOYSTON, MUELLER

MCLEAN & REID

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21204-4578

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21204-4575

DASO'L HARTLAND

opportunities by substantially deregulating the consumer financial industry which is the heart of CFI's business. What follows is a summary of these major changes.

INTERSTATE BANKING

Under current federal law (12 U.S.C 1942(d)), a bank holding company, such as CFI, may not acquire more than 5% of the voting stock of a bank located in any state other than its "home" state unless such acquisition is specifically authorized by the laws of the other state. Thus, CFI could not own or acquire a bank located in Maryland without specific authorization under Maryland law. Until the 1983 Legislative Session, Maryland law did not contain a vehicle for obtaining such authorization. Now, however, the new subtitle created by S.B. 591 permits an out-of-state bank holding company to acquire a newly organized bank located in Maryland under certain conditions, including employment of at least 100 persons by the end of the first year of its operation.

During the 1983 Legislative Session, CFI committed to Governor Hughes that, if the law were passed, it would apply for a new Maryland bank. The law was enacted and CFI's application for the bank is going forward as promised.

A substantial part of the proposed expansion of the York Road facility would be used to house the bank's operations and its employees. CFI also plans to move other businesses from other states into its Towson location, bringing even more employment opportunities.

II.

REVOLVING CREDIT

CFI is the owner of the CHOICE credit card. In 1980, the card business was known as the NAC Charge Plan and was limited to the Baltimore/Washington area. At that time, permissible

finance charges on credit cards in Maryland were limited to 18% Annual Percentage Rate on a balance of \$500.00 or less and 12% Annual Percentage Pate on any portion of the balance in excess of \$500.00. No annual membership fees or other charges of any kind were permitted, except for the stated finance charges.

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ROYSTON, MUELLER, Malean & Reid

TOWSDN, MARYLAND

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TOWSON, MARYLAN

Now, because of the changes wrought by H.B. 1853 and S.B. 591, credit card grantors are permitted to assess competitive finance charges on the entire balance and, in addition, they may assess any or all of the following: annual fees; minimum monthly charges; and individual transaction fees. This less restrictive law, combined with CHOICE's increasing regional acceptance has encouraged it to expand the area of its coverage to make its unique financial services available to a wider marketplace. This expansion will demand a proportionate expansion of office facilities.

CLOSED END LENDING

In addition to its CHOICE card, CFI is also engaged in the business of making unsecured and first and second mortgage loans to Maryland consumers.

Before 1980, unsecured loans had an interest ceiling of 12%, first mortgages had a ceiling of 10% and second mortgages had a ceiling of 12%.

In October of 1980, a Federal law was passed which completely pre-empted all State imposed interest rate restrictions on first mortgages (PL 96-22). With the passage of H.B. 1853 and S.B. 591 in Maryland, unsecured and second mortgage ceilings have been raised to 24%. Also, new creative financing tools are now available such as balloon loans, adjustable rate loans and open ended mortgages.

102 W. PENN. AVE. TOWSON, MARYLAN

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The total effect of this comprehensive easing of restrictions is to open to Citicorp and CFI new business expansion potential to offer these products to its present and future marketplaces. An equivalent physical enlargement must accompany any such expansion.

SUMMARY

It is not that CFI intends or expects to immediately utilize all of its newly authorized capabilities - rather it is the freedom to be able to adjust its service and fees to meet changing market conditions that creates the confidence to know that, no matter what the market does, CFI will now be able to effectively compete in Maryland.

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS FROM D.R. 15 10 0-1 ZONE SW/corner of York Rd. and Cross Campus Dr., 9th District

CITICORP FINANCIAL, INC.,

To the Honorable, Members of Said Boards

OF BALTIMORE COUNTY

: Cose No. R-84-120 (Item 12)

111111

ORDER TO ENTER APPEARANCE

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefor,

and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman Deputy People's Counse

ohn W. Hessian, III People's Counsel for Baltimore County Rm. 223, Court House Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 6th day of October, 1983, a copy of the foregoing Order was mailed to Richard A. Reid, Esquire, 102 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioner.

RAR/keg 8/11/83

ROYSTON, MUFLLER, McLEAN & REID

BUITE SOO

TOWSON, MARYLAND

102 W. PENN. AVE

SUPPLEMENT TO MEMORANDUM OF CITICORP FINANCIAL, INC. IN SUPPORT OF ITS PETITION TO REZONE A PORTION OF ITS LAND FROM D.R.-16 TO 0-1

OTHER CHANGE

CHANGE IN THE PHYSICAL CHARACTER OF THE NEIGHBORHOOD IN THE VICINITY OF THE CITICORP FINANCIAL, INC. TRACT

The physical character of the neighborhood has changed dramatically since the adoption of Comprehensive Zoning Maps by the County Council in October of 1980. This has been brought about by the construction of a student housing and dining complex for Towson State University just to the west of the CFI site on the north side of Cross Campus Drive. The complex accommodates 1,684 students in 4 high-rise residential structures - two 14 story buildings, a 15 story building, and a 16 story building, containing living space, interior common spaces, and study space with access to computers. The high rise residential structures are grouped around a two-story dining facility providing seating for 600. All of these buildings are sited on a 3.1033 gross acre parcel for which D.R.-16 Zoning was established by the 1980 Maps. Occupancy will begin with the Fall Semester of 1983.

This student housing complex is much more than a threedimensional, visual grouping of buildings evidencing new and expanded activity at Towson State University. It has changed the physical character of the immediate neighborhood in a manner which was neither predicted nor authorized by the 1980 Comprehensive Zoning Maps. When they were adopted, the land on which the housing complex is located was in private, not State ownership. The site was donated to the State and leased back to the private sponsors for development. -/ By transferring

Although the student housing and dining facilities are being built under private sponsorship, they will be leased back to Towson State University for full operation and management.

title to the State, the housing complex became exempt from the requirements, standards, and constraints of the Baltimore County Zoning Regulations.

Absent State ownership of the site, private development of student housing facilities would be impossible without a consequential change in the D.R.-16 base zoning and an extension of the boundary of the Towson Town Center. Since it is not within a Town Center as designated by the Planning Board or within 1,000 feet of a CCC District, the site is not eligible for either RAE-1 or RAE-2 Zoning - the classifications which, under private sponsorship, might permit a student housing complex on a smaller scale.2/

It is thus clear that the Towson State University housing complex has resulted in a change in the manner of land use and in the physical character of the immediate neighborhood which were not foreseen for this then private land by the 1980 Comprehensive Zoning Maps. The formal decision by the State to proceed with the housing project was made by the Board of Public Works on October 21, 1981 -a year after the adoption of the Maps. The process involved invitations to the private sponsors to make proposals for off-campus sites meeting specifications, narrowing them to two sites, and, finally choosing and resolving the fine details relating to developing and financing the successful site. All of this process unfolded after the adoption of the Maps and the site was not selected finally until a year

If the location criteria for those could be met, the high rise residential structures exceed the maximum height limitation of 85 feet in the RAE-1 Zone and exceed the density limitations of both the RAE-1 Zone (40 density units per gross acre) and the RAE-2 Zone (80 density units per acre). RAE-1 would permit but 124 density units for the 3.1033 acre site while RAE-2 would permit 248 density units. Assuming that each two person living unit in the complex equates to an efficiency apartment (0.5 density) unit), the 842 units translate into 421 density units. Under private site ownership, the current D.R.-16 Zoning allows only 49 density units for the 3.1033 acre tract.

has therefor taken place in a manner not provided for by the 1980 Maps. The result is dramatic and seeable change in the manner of neighborhood land use and an actual change in the physical character of the area vicinal to the CFI tract.

later. Construction of the high rise student housing complex

Other implicit changes in the potential manner of land use result from the construction and occupancy of the high rise student housing complex. A significant reason for the site's D.R.16 zoning was attributed to a shortage of vacant land in that category within the area close to Towson State University. As one of but two vacant parcels zoned D.R.-16 in close proximity to Towson State University (the other indeed was converted to the student housing complex), an objective of the 1980 Zoning Map had to be retention of possibilities for private sector provision of housing related to University needs. 5/ Construction and occupancy of the student housing complex has changed the rationale for high density residential zoning quite significantly. Provision of 1,684 student living units frees the CFI site for other appropriate land use in accordance with that change.

The Student Housing complex has been built in response to a shortage of and need for on-Campus residential space at Towson State University. Prior to the occupancy of the new units in the Fall of 1983, the University had dormitory space for but 1,262 students out of an enrollment of 9,500 daytime students and 16,000 total daytime, part-time and evening students. In 1981, 1,123 Towson State University students were living off-campus - primarily in residential neighborhoods in the general vicinity of the University. Provision of 1,684 on-campus living spaces will reduce student pressures for housing in off-campus residential areas and eliminate conflicts with local neighborhoods which have resulted from the lack of on-campus housing. More students will be residing on the Towson State University campus and will be subjected as such to the jurisdiction, policies, and discipline of the Unversity. Traffic movements by students will be lessened by the fact that more will be living and parking on the Towson State University campus. Parking conflicts and disruptions in residential areas caused by commuting students will be further reduced by the provision of the resultant 133 percent increase in University housing provided by the complex.

103 W. PEHIL AVE. TOWBON, MARYLAND 21204-4878 833-1600

These changes in the manner of land use adjacent to the CFI tract and consequential changes in housing demand could not be foreseen reasonably by the County Council when it adopted the 1980 Maps. They add up to a genuine change in the character of the neighborhood vicinal to CFI which warrants the establishment of 0-1 Zoning there.

Respectfully submitted,

102 West Pennsylvania Avenue Towson, Maryland 21204 823-1800

Attorney for Petitioner

21204-4575 823-1800

ROYSTON, MUELLER, MCLEAN & REID ATTORNEYS AT LAW

CARROLL W. ROYSTON H. ANTHONY MUELLER R. TAYLOR MCLEAN RICHARD A. REID E. HARRISON STONE MILTON R. SMITH, IR. C. S. KLINGELHOFER III THOMAS F. McDONOUGH LAWRENCE F, HAISLIP

HAND DELIVERED

Room 106

Kenneth D. Dryden, Chairman

County Office Building

Dear Chairman Dryden:

Towson, Maryland 21204

Baltimore County Planning Board

SUITE 600 102 WEST PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204 (301) 823-1800

Re: Citicorp Financial, Inc. - Petition for

Citicorp Financial, Inc. has delivered the above-entitled

It is requested that the Planning Board certify to the County

Council that early action upon such Petition is manifestly required

Section 22-24(i) for the reasons set forth in the attached memorandum

Very truly yours,

in the public interest and because of an emergency existing for

Petitioner pursuant to the provisions of Baltimore County Code,

so that such Petition may be exempted from the regular cyclical

for the suspension of reclassification-petition filing required

procedure of Subsections (c) through (h) of Section 22-24 and also

Petition for Reclassification to the Zoning Commissioner of

Baltimore County pursuant to the Rules of Procedure of the

Zoning Reclassification

County Board of Appeals of Baltimore County.

under Section 22-25 of such Code.

June 24, 1983

JOHN L. ASKEW

Norman E. Gerber, Director
Office of Planning and Zoning

Thomas Toporovich

County Council Secretary-

Zoning Reclassification Petition: Citicorp Financial, Inc. SUBJECT Request for exemption from cyclical procedures

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

At its meeting on July 7, 1983, the Ad hoc Committee on Master Plan and Zoning Map of the Baltimore County Planning Board voted to recommend that the Planning Board certify to the County Council that early action on the subject Zoning Reclassification Petition would be in the public interest. I would appreciate your tentatively scheduling this item for Council consideration at its August meeting, subject to favorable action by the Planning Board at its meeting on July 21, 1983.

Thank you for your cooperation in this matter.

Director of Planning and Zoning

July 11, 1983

NEG: JH: cav

cc: The Honorable Donald P. Hutchinson County Executive

> B. Melvin Cole County Administrative Officer

William T. Hackett, Chairman County Board of Appeals Leonard S. Jacobson

John W. Hessian, III People's Counsel

County Solicitor

James E. Dyer Zoning Supervisor

Richard A. Reid, Esquire

Enclosure

It cannot begin Phase I, however, without some assurance that it will be able to build the two office buildings on subject Rear Parcel, Phase II. This will require a change in the zoning of subject Rear Parcel from D.R.-16 to 0-1. Since CFI's need for the immediate expansion under Phase I is urgent and critical, it must have that assurance now. The only way to obtain it is by having a petition for rezoning considered outside of the restraints of the cycle filing requirements of Batimore County Code, Section 22-24 and by lifting the suspension of filings required by Baltimore County Code, Section 22-25.

The foregoing constitutes an emergency situation for CFI. It has to expand now! It wants to do so in Baltimore County, but does not have zoning permitting it to do so. If it cannot get the zoning it requires promptly, it will be required to consider moving its regional headquarters to one of the other political subdivisions which are actively soliciting it.

That immediate consideration of CFI's petition is manifestly required in the public interest is apparent when one considers what is at stake for Baltimore County. CFI now employs 650 people in its existing facility on York Road. Completion of Phase I will add 300 new people to the work force. Completion of the two new office buildings on subject will create 650-850 jobs. None of the expansion will require any public assistance. If CFI cannot expand at the existing site, it will have to relocate its Regional Headquarters. This would result in a

MCLEAN & REID OWSON, MARYLAND

loss of 650 existing jobs and up to 1,150 new jobs created at no expense to Baltimore County. In addition, Baltimore County would not gain the addition to its real property tax base represented by three new office buildings, and, since such buildings would house computer operations, would lose the potential for increased personal property taxes.

It is submitted that the proposed zoning and use of subject for offices for the Headquarters of CFI's Mid-Atlantic Division will be in harmony with other uses in the neighborhood. It, of course, represents a logical extension of the 0-1 use now enjoyed by CFI's existing facility on the York Road Parcel. Across Cross Campus Drive from the subject to the west is the former Blue Cross Building in an 0-1 zone and the institutional uses of Towson State. To the south, subject is joined by the institutional uses of St. Joseph Hospital. To the west and at a different elevation than the subject are the Valley View Apartments, the entrance to which, from Cross Campus Drive, together with the topography, would serve to separate them from the proposed use of subject.

> Richard A. Reid Suite 600 102 West Pennsylvania Avenue Towson, Maryland 21204 823-1800

Attorney for Petitioner

ROYSTON, MUELLER, MCLEAN & REID ATTORNEYS AT LAW SUITE 400

102 WEST PENNSYLVANIA MENUE

TOWSON, MARYLAND 21204

(301) 823-1800

CARROLL W. ROYSTON H. ANTHONY MUELLER R. TAYLOR MCLEAN RICHARD A. REID E. HARRISON STONE MILTON R. SMITH, IR. C. S. KLINGELHOFER III THOMAS F. McDONOUCH

LAWRENCE F. HAISLIP

FOHN LASKEY

• • • • •

ROYSTON, MUELLER.

102 W. PEWN AVE

21204-4573

June 24, 1983

HAND DELIVERED

Kenneth D. Dryden, Chairman Baltimore County Planning Board County Office Building Towson, Maryland 21204

> Re: Citicorp Financial, Inc. - Petition for Zoning Reclassification

Dear Chairman Dryden:

Citicorp Financial, Inc. has delivered the above-entitled Petition for Reclassification to the Zoning Commissioner of Baltimore County pursuant to the Rules of Procedure of the County Board of Appeals of Baltimore County.

It is requested that the Planning Board certify to the County Council that early action upon such Petition is manifestly required in the public interest and because of an emergency existing for Petitioner pursuant to the provisions of Baltimore County Code, Section 22-24(i) for the reasons set forth in the attached memorandum so that such Petition may be exempted from the regular cyclical procedure of Subsections (c) through (h) of Section 22-24 and also for the suspension of reclassification-petition filing required under Section 22-25 of such Code.

Very truly yours,

Richard A. Reid

buildings to be located on subject Rear Parcel, Phase II. $\frac{1}{2}$ 1/ Actually, a small portion of subject tract is already

Parcel in April, 1983.

zoned 0-1.

MEMORANDUM IN SUPPORT OF

ZONING RECLASSIFICATION PETITION

PURSUANT TO BALTIMORE COUNTY CODE

SECTION 22-24(1) AND EXEMPTION FROM THE

recently determined to make Towson the Regional Headquarters

SUSPL. SION OF RECLASSIFICATION PETITION FILING

Citicorp Financial, Inc., a Delaware corporation (CFI),

for its Mid-Atlantic Division which includes Maryland, Pennsylvani,

Delaware, Virginia, West Virginia and the District of Columbia.

Road formerly known as the Exxon Building which it acquired in

1977, together with the parcel of land upon which it was built

(hereafter referred to as the York Road Parcel) together with

the right to use the adjoining parcel for parking (the subject

Rear Parcel) from Exxon which owned both parcels. The business

of this request and sometimes referred to hereafter as the

of CFI is growing at such a rate, however, that it will not

be able to maintain its Regional Headquarters at such location

It now seeks to have it rezoned from D.R.-16 to 0-1 in

existing facility by an addition thereto to satisfy its immediate

needs, Phase I, and (b) have sufficient zoned land to accommodate:

unless it can expand. To this end, it acquired subject Rear

order to (a) have sufficient floor area ratio to expand its

its anticipated future requirements of two additional office

Such operation is currently housed in the building on York

REQUEST FOR EARLY ACTION ON

BALTIMORE COUNTY ECONOMIC DEVELOPMENT COMMISSION TOWSON, MARYLAND 21204

ROBERT L. HANNON DIRECTOR

RAR/keg

Enclosure

July 7, 1983

Mr. Kenneth D. Dryden, Chairman Baltimore County Planning Board 4th Floor - New Courts Building Towson, Maryland 21204

Dear Mr. Dryden:

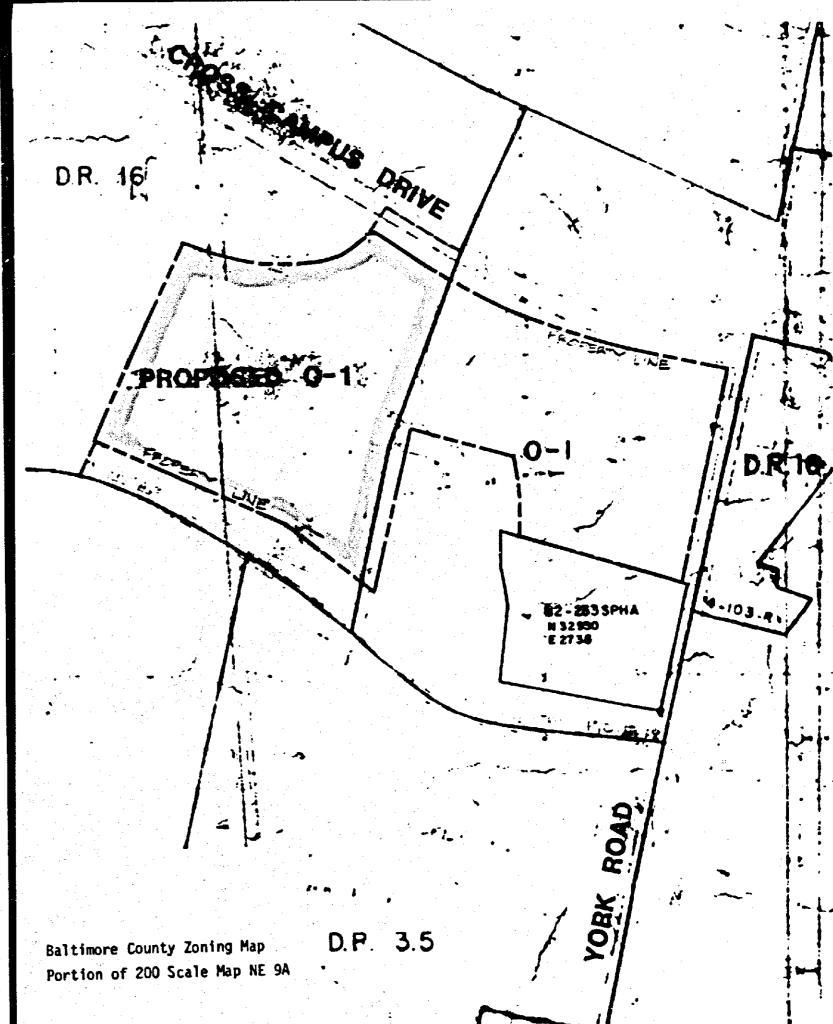
This letter is written in behalf of Citicorp Financial, Inc. (CFI), which operates its Mid-Atlantic Division from facilities at 7720 York Road, Towson. This operation is a regional headquarters serving Maryland, Pennsylvania, Delaware, Virginia, West Virginia, and the District of Columbia. CFI employs approximately 650 persons housed within its existing building of 120,000 square feet.

In April of this year, representatives of CFI met in my office and informed me of their intention to expand their existing facility in two phases. The outcome of this expansion would benefit Baltimore County in several ways. The obvious benefits are in job creation and expansion of the tax base. In addition to guaranteeing the retention of the existing 650 positions, expansion would create up to 1,150 new jobs within occupational categories to which both our educational institutions and public job retraining programs are targeted. Additional benefit is gained by the County from the prestige of hosting the regional headquarters of a nationally recognized firm such as Citicorp Financial, Inc. This recognition, enhanced by the support of local government in accommodating business needs, is a necessary ingredient in a successful program of externally marketing Baltimore County for economic growth and development.

This office emphatically endorses CFI's expansion program and urges the Planning Board to make appropriate certification to the County Council for early action on CFI's Petition for Reclassification.

If this office can provide further information that would be helpful to Planning Board action, I would be most anxious to respond.

Robert L. Homen



MCLEAN & REID 102 W. PENN. AVE. TOWSON MARYLAND

PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an D.R.-16* zone to an O-1 zone zone, for the reasons given in the attached statement; and-(2)-for a-Special-Exception, under-the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property;

offices to house the Regional Headquarters or Citicorp Financial, Inc.'s Mid-Atlantic Division

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

*A small portion of subject property is already zoned 0-1.

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore

Legal Owner(s): Contract Purchaser: CITICORP FINANCIAL, INC. (Type or Print Name) (Type or Print Name) Ronald E. (Géesey, President City and State Attorney for Petitioner: 7720 York Road 337-2600 Richard A. Reid, Esq. Towson, Maryland 21204 102 West Pennsylvania Avenue Name, address and phone number of legal owner, conract purchaser or representative to be contacted C. Keith McLendon, Assistant Towson, Maryland 21204 ...Corporate_Counsel__ City and State 7720 York Road 337-2600 Ext. 471 Attorney's Telephone No.: _____ Towson, Maryland 21204



County Council of Baltimore County Court House, Towson, Maryland 21204 [301] 494-3196

August 1, 1983 COUNCIL

Ronald B. Hickernell FIRST DISTRICT

Mr. William T. Hackett, Chairman Baltimore County Board of Appeals James T. Smith, Jr. Towson, Maryland 21204

Dear Mr. Hackett:

procedure.

Barbara F. Bachur FOURTH DISTRICT, CHAIRWOMAN Norman W. Lauenstein

Eugene W. Gallagher

John W. O'Rourke

Attached herewith please find Resolution No. 66-83, approving the Planning Board's certification that the zoning reclassification petition filed on behalf of Citicorp Financial, Inc., owner, for a 6.94 acre parcel of land located on Cross Campus Drive, should be exempted from the regular cyclical

Thomas Toporovich

This resolution was passed by the County Council at their meeting on Monday, August 1, 1983 and is forwarded for your attention and appropriate action.

TT:bl

82 - 283 SPHA N 32950 E 2738 Baltimore County Zoning Map Portion of 200 Scale Map NE 9A

> COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND Legislative Session 1983, Legislative Day No. 18 RESOLUTION NO. 66-83

> > Ms. Barbara Bachur Councilwoman By Request of County Executive

By the County Council, August 1. 1983

A RESOLUTION to approve the Planning Board's certification that the zoning reclassification petition filed on behalf of Citicorp Financial, Inc., owner, for a 6.94 acre parcel of land located on Cross Campus Drive, should be exempted from the regular cyclical procedure of §2-58.1(c) through (h), inclusive, of the Baltimore County Code, 1978, 1982 Cumulative Supplement, as amended.

WHEREAS, the Planning Board, by resolution dated July 21, 1983, has certified that early action on the Petition for Zoning Reclassification filed on behalf of Citicorp Financial, Inc., owner, requesting a reclassification of the abovedescribed property would be in the public interest; and

WHEREAS, the County Council of Baltimore County, in accordance with the provisions of §2-58.1(i) may approve said certification and exempt the Petition for Zoning Reclassification from the regular, cycle procedures of §2-58.1.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Baltimore County, Maryland, that the certification by the Planning Board that early action on the Zoning Reclassification Petition filed on behalf of Citicorp Financial, Inc. be and the same is hereby approved; and

BE IT FURTHER RESOLVED, that the Board of Appeals shall schedule a public hearing on said Petition in accordance with §2-58.1(i) of the Baltimore County Code. DAFT-McCUNE-WALKER, INC.

530 Eag Joppa Road Towson Ad. 21204 Telephone: 301-296-3333 **Land Planning Consultants** Landscape Architects **Engineers**

DESCRIPTION

6.94 Acre Parcel Cross Campus Drive Near York Road Ninth Election District Baltimore County, Maryland

BEGINNING for the same at the intersection of the zoning line which divides the O-I and D.R. 16 zones and the South side of Cross Campus Drive, said point being located 487 feet more or less as measured along the South side of Cross Campus Drive from a fillet connecting said South side of Cross Campus Drive and the West side of York Road, thence leaving said zoning line and running with and binding on said South side of Cross Campus Drive and also on part of the seventh and the eighth lines of the outline of a parcel of land described in a deed dated December 1, 1977 from Greater Towson Realty, Inc. to Exxon Corporation and recorded among the land records of Baltimore County in Liber E.H.K., Jr. 5832 folio 363 (1) Northwesterly by a curve to the right with the radius of 1,299.33 feet and the length of 95 feet more or less, (2) North 55 degrees 29 minutes 07 seconds West 83.67 feet, thence leaving said South side of Cross Campus Drive and running and binding on the ninth, tenth, eleventh, twelth, first and part of the second lines of said aforementioned outline, (3) Southwesterly by a curve to the left with the radius of 15.00 feet, the length of 23.56 feet, the chord of said curve being south 79 degrees 30 minutes 53 seconds West 21.21 feet, (4) Southwesterly by a curve to the right with the radius of 130.00 feet, the length of 108.91 feet, the chord of said curve being South 58 degrees 30 minutes 53 seconds West 105.75 feet, (5) Northwesterly by a line curving to the right with the radius of 530.00 feet, the length of 291.32 feet, the chord of said curve being North 81 degrees 44 minutes 20 seconds West 287.66 feet, (6) South 24 degrees 38 minutes 30 seconds West 445.92 feet, (7) South 65 degrees 21 minutes 30 seconds East 447.65 feet and (8) South 52 degrees 15 minutes 00 seconds East 170 feet more or less to a point on said aforementioned zoning line thence binding thereon (9) Northeasterly 280 feet more or less and (10) Northeasterly 365 feet more or less to the place of beginning.

Containing 6.94 acres of land more or less.

June 7, 1983

Our File No. 83038





BALTIMORE COUNTY ECONOMIC DEVELOPMENT COMMISSION TOWSON, MARYLAND 21204

ROBERT L. HANNON DRECTOR

July 7, 1983

Mr. Kenneth D. Dryden, Chairman Baltimore County Planning Board 4th Floor - New Courts Building Towson, Maryland 21204

Dear Mr. Dryden:

This letter is written in behalf of Citicorp Financial, Inc. (CFI). which operates its Mid-Atlantic Division from facilities at 7720 York Road, Towson. This operation is a regional headquarters serving Maryland, Pennsylvania, Delaware, Virginia, West Virginia, and the District of Columbia. CFI employs approximately 650 persons housed within its existing building of 120,000 square feet.

In April of this year, representatives of CFI met in my office and informed me of their intention to expand their existing facility in two phases. The outcome of this expansion would benefit Baltimore County in several ways. The obvious benefits are in job creation and expansion of the tax base. In addition to guaranteeing the retention of the existing 650 positions, expansion would create up to 1,150 new jobs within occupational categories to which both our educational institutions and public job retraining programs are targeted. Additional benefit is gained by the County from the prestige of hosting the regional headquarters of a nationally recognized firm such as Citicorp Financial, Inc. This recognition, enhanced by the support of local government in accommodating business needs, is a necessary ingredient in a successful program of externally marketing Baltimore County for economic growth

This office emphatically endorses CFI's expansion program and urges the Planning Board to make appropriate certification to the County Council for early action on CFI's Petition for Reclassification.

If this office can provide further information that would be helpful to Planning Board action, I would be most anxious to respond.

ROBERT L. HANNON

Director

CARROLL W. ROYSTON H. ANTHONY MUELLER

R. TAYLOR MCLEAN RICHARD A. REID

E. HARRISON STONE

MILTON R. SMITH, IR.

C. S. KLINCELHOFER 11 THOMAS F. MCDONOUGH

LAWRENCE F. HAISLIP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

August 4, 1983 Mr. James E. Dyer, Zoning Office Edith T. Eisenhart FROM County Board of Appeals

SUBJECT County Council Resolution 66-83 - Citicorp Financial, Inc.

Attached herewith is a copy of Resolution No. 66-83 passed by the County Council on August 1, 1983, approving the Planning Board's certification that the zoning reclassification petition filed on behalf of Citicorp Financial, Inc. should be exempted from the regular cyclical

procedure. The Board has set Wednesday, November 2, 1983, aside for the hearing of this case, at 10 a.m. Therefore, please arrange for the advertising and posting of the property.

Edith T. Eisenhart, Adm. Secretary

cc: J. G. Hoswell N. Commodari Arlene January ROYSTON, MUELLER, MCLEAN & REID ATTORNEYS AT LAW

SUITE 600

102 WEST PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204 (301) 623-1800

August 15, 1983

William T. Hackett, Chairman Board of Appeals Room 200 Old Court House Towson, Maryland 21204

Re: Citicorp Financial, Inc. - Petition

for Zoning Reclassification

Dear Chairman Hackett:

Enclosed please find the original and two copies of a supplement to the memorandum previously filed in the aboveentitled case by Citicorp Financial, Inc. in support of its Petition for Zoning Reclassification.

This case has been certified by the County Council for early action pursuant to the provisions of Baltimore County Code, §22-24(i). It would be appreciated if you could assign this case for hearing as soon as possible.

> Very truly yours, Richard A. Reid

RAR/keg Enclosures

cc: John W. Hessian III, People's Counsel Norman E. Gerber, Deputy Director Mr. James G. Hoswell all with enclosure

PETITION FOR RECLASSIFICATION

9th Election District

ZONING: Petition for Reclassification

Southwest corner of York Road and Cross Campus Drive LOCATION:

Wednesday, November 2, 1983 at 10:00 A.M. DATE & TIME: PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter, will hold a public hearing:

> Present Zoning: D.R. 16 Proposed Zoning: O-1

All that parcel of land in the Ninth District of Baltimore County

Being the property of Citicorp Financial, Inc., as shown on plat plan filed with the Zoning Department.

Hearing Date: Wednesday, November 2, 1983 at 10:00 A.M.

BY ORDER OF COUNTY BOARD OF APPEALS

Public Hearing: Room 218, Courthouse, Towson, Maryland

WILLIAM T. HACKETT, CHAIRMAN OF BALTIMORE COUNTY

BALTIMORE COUNTY PLANNING BOARD RESOLUTION July 21, 1983

Pursuant to Subsection 2-58.1(i) of the Baltimore County Code 1978 as amended, the Baltimore County Planning Board has reviewed the request by Citicorp Financial, Inc. to exempt from the zoning cycle the subject reclassification

the public interest.

The Planning Board believes that early action is required on this petition to provide for consideration of the timely expansion and benefits therefrom; now therefore, be it

That the Baltimore County Planning Board hereby certifies to the County Council of Baltimore County that early action on the subject Zoning Reclassification Petition would be in

I HEREBY CERTIFY that the above resolution was duly adopted by the Baltimore County Planning Board at its meeting in Towson, Maryland, on July 21, 1983.

July 21, 1983

Secretary of the Baltimore County Planning

DAFT-MCCUNE-WALKER INC.

530 East Joppa Road Towsor 1. 21204 Telephone: 301—296-3333 Land Planning Consultants Landscape Architects Engineers

Property of Citicorp Financial, Inc. Cross Campus Drive and York Road Ninth Election District Baltimore County, Maryland

Beginning for the same at a point on the south side of Cross Campus Drive, said point being at the point of curvature of a fillet connecting said south side of Cross Campus Drive with the west side of York Road, said point being also located on the second line of a parcel of land described in a deed dated May 23, 1977 from W. Allen Harrison, Etal, Trustees of the Exxon USA Foundation to Citicorp Financial Incorporated and recorded among the land records of Baltimore County in Liber E.H.K., Jr. 5760 folio 867, said point being 113.50 feet from the beginning of said second line, thence running and binding on a portion of said second line and all of the third line and on the south side of Cross mpus Drive (1) north 77 degrees 44 minutes 20 seconds west 77.00 to ... (2) northwesterly by a curve to the right with the radius of 1,299.33 feet, the length of 294.81 feet, the chord of said curve being north 71 degrees 14 minutes 20 seconds west 294.18 feet to a point at the beginning of the seventh line of a parcel of land described in a deed dated December 1, 1977 from Greater Towson Realty, Inc. to Exxon Corporation and recorded among the land records of Caltimore County in Liber E.H.K., Jr. 5832 folio 363, thence binding on said seventh line and the eighth line of said parcel and still binding on the south side of Cross Campus Drive (3) northwesterly by a curve to the right with the radius of 1,299.33 feet, the length of 209.85 feet, the chord of said curve being north 60 degrees 06 minutes 43.5 seconds west 209.62 feet, (4) north 55 degrees 29 minutes 07 seconds west 8:.67 feet, thence leaving the south side of Cross Campus Drive and binding on the ninth, tenth, eleventh, twelfth, first, second and third lines of the lastly mentioned parcel (5) southwesterly by a curve to the left with the radius of 15.00 feet, the length of 23.56 feet, the chord of; said curve being south 79 degrees 30 minutes 53 seconds west 21.21 feet, (6) southwesterly by a curve to the right with the radius of 130.00 feet, the length of 108.91 feet, the chord of said curve being south 58 degrees 30 minutes 53 seconds west 105.75 feet, (7) northwesterly by a curve to the right with the radius of 530.00 feet, the length of 291.32 feet, the chord of said curve being north 81 degrees 44 minutes 20 seconds west 287.66 feet, (8) south 24 degrees 38 minutes 30 seconds west 445.92 feet, (9) south 65 degrees 21 minutes 30 seconds east 447.65 feet, (10) south 52 degrees 15 minutes 00 seconds east 208.48 feet, and (11) north 13 degrees 07 minutes 40 seconds east 225.82 feet to the beginning of the seventh line of said firstly mentioned parcel, thence binding on the seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth and part of the first line of said parcel (12) north 13 degrees 07 minutes 40 seconds east 120.00 feet, (13) south 73 degrees 41 minutes 30 seconds east 210.00 feet, (14) south 18 degrees 03 minutes 30 seconds east 30.00 feet,

(15) south 07 degrees 30 minutes 00 seconds east 30.00 feet, (16) south 02 degrees 24 minutes 20 seconds east 30.00 feet, (17) south 01 degrees 51 minutes 00 seconds west 76.90 feet, (18) south 73 degrees 40 minutes 30 seconds east 352.50 feet to the west side of York Road and (19) north 12 degrees 15 minutes 40 seconds east 92.56 feet, thence binding & a widening of York Road (20) north 06 degrees 52 minutes 42 seconds east 275.90 feet and (21) northwesterly by a curve to the left with the radius of 88.00 feet, the length of 129.96 feet, the chord of said curve being north 35 degrees 25 minutes 49

Saving and excepting that portion of the above described land which is zoned 0-1.

seconds west 118.47 feet to the place of beginning.

The portion remaining contains 6.94 acres of land more or less.

July 19, 1983 Our File No. 83038

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Leonard S. Jacobson TO County Solicotor

Norman E. Gerber, Director FROM Office of Planning and Zoning

Citicorp Financial, Inc. Property Request for Exemption SUBJECT___ from Cyclical Procedures

Attached please find the subject resolution adopted by the Planning Board at its meeting on July 21, 1983. Please prepare the necessary material for the County Council's consideration.

Director of Planning and Zoning

July 22, 1983

NEG: JH: cav

Attachment

cc: The Honorable Donald P. Hutchinson County Executive

> B. Melvin Cole County Administrative Officer

Thomas Toporovich

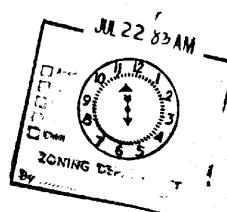
County Council Secretary-Administrator William T. Hackett, Chairman

County Board of Appeals

John W. Hessian, III People's Counsel

James E. Dyer Zoning Supervisor

Richard L. Reid, Esquire



ROYSTON, MUELLER, MCLEAN & REID ATTORNEYS AT LAW

CARROLL W. ROYSTON R. TAYLOR MCLEAN RICHARD A. REID E. HARRISON STONE C. S. KLINGELHOFER III THOMAS F. MCDONOUGH LAWRENCE F. HAISLIP

102 WEST PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204 (301) 823-1800

IOHN LASKEW

June 24, 1983

HAND DELIVERED

RAR/keg

Enclosure

Kenneth D. Dryden, Chairman Baltimore County Planning Board Room 106 County Office Building Towson, Maryland 21204

> Re: Citicorp Financial, Inc. - Petition for Zoning Reclassification

Dear Chairman Dryden:

Citicorp Financial, Inc. has delivered the above-entitled Petition for Reclassification to the Zoning Commissioner of Baltimore County pursuant to the Rules of Procedure of the County Board of Appeals of Baltimore County.

It is requested that the Planning Board certify to the County Council that early action upon such Petition is manifestly required in the public interest and because of an emergency existing for Petitioner pursuant to the provisions of Baltimore County Code, Section 22-24(i) for the reasons set forth in the attached memorandum so that such Petition may be exempted from the regular cyclical procedure of Subsections (c) through (h) of Section 22-24 and also for the suspension of reclassification-petition filing required under Section 22-25 of such Code.

Very truly yours,

ROYSTON, MUELLER MCLEAN & REID SUITE 600 102 B. PENY AVE OPSON, MARYLAND

21204-4575

MEMORANDUM IN SUPPORT OF REDUEST FOR EARLY ACTION ON ZONING RECLASSIFICATION PETITION PURSUANT TO BALTIMORE COUNTY CODE SECTION 22-24(i) AND EXEMPTION FROM THE SUSPENSION OF RECLASSIFICATION PETITION FILING

Citicorp Financial, Inc., a Delaware corporation (CFI), recently determined to make Towson the Regional Headquarters for its Mid-Atlantic Division which includes Maryland, Pennsylvan Delaware, Virginia, West Virginia and the District of Columbia. Such operation is currently housed in the building on York Road formerly known as the Exxon Building which it acquired in 1977, together with the parcel of land upon which it was built (hereafter referred to as the York Road Parcel) together with the right to use the adjoining parcel for parking (the subject of this request and sometimes referred to hereafter as the Rear Parcel) from Exxon which owned both parcels. The business of CFI is growing at such a rate, however, that it will not be able to maintain its Regional Headquarters at such location unless it can expand. To this end, it acquired subject Rear Parcel in April, 1983.

It now seeks to have it rezoned from D.R.-16 to 0-1 in order to (a) have sufficient floor area ratio to expand its existing facility by an addition thereto to satisfy its immediate needs, Phase I, and (b) have sufficient zoned land to accommodate its anticipated future requirements of two additional office buildings to be located on subject Rear Parcel, Phase II. 4

Actually, a small portion of subject tract is already

a ---

It cannot begin Phase I, however, without some assurance that it will be able to build the two office buildings on subject Rear Parcel, Phase II. This will require a change in the zoning of subject Rear Parcel from D.R.-16 to 0-1. Since CFI's need for the immediate expansion under Phase I is urgent and critical, it must have that assurance now. The only way to obtain it is by having a petition for rezoning considered outside of the restraints of the cycle filing requirements of Batimore County Code, Section 22-24 and by lifting the suspension of filings required by Baltimore County Code, Section 22-25.

The foregoing constitutes an emergency situation for CFI. It has to expand now! It wants to do so in Baltimore County, but does not have zoning permitting it to do so. If it cannot get the zoning it requires promptly, it will be required to consider moving its regional headquarters to one of the other political subdivisions which are actively soliciting it.

That immediate consideration of CFI's petition is manifestly required in the public interest is apparent when one considers what is at stake for Baltimore County. CFI now employs 650 people in its existing facility on York Road. Completion of Phase I will add 300 new people to the work force. Completion of the two new office buildings on subject will create 650-850 jobs. None of the expansion will require any public assistance.

If CFI cannot expand at the existing site, it will have to relocate its Regional Headquarters. This would result in a

102 W. PENN AVE

TOUSON MARRIANS

21204-4578

loss of 650 existing jobs and up to 1,150 new jobs created at no expense to Baltimore County. In addition, Baltimore County would not gain the addition to its real property tax base represented by three new office buildings, and, since such buildings would house computer operations, would lose the potential for increased personal property taxes.

It is submitted that the proposed zoning and use of subject for offices for the Headquarters of CFI's Mid-Atlantic Division will be in harmony with other uses in the neighborhood. It, of course, represents a logical extension of the 0-1 use now enjoyed by CFI's existing facility on the York Road Parcel. Across Cross Campus Drive from the subject to the west is the former Blue Cross Building in an 0-1 zone and the institutional uses of Towson State. To the south, subject is joined by the institutional uses of St. Joseph Hospital. To the west and at a different elevation than the subject are the Valley View Apartments, the entrance to which, from Cross Campus Drive, together with the topography, would serve to separate them from the proposed use of subject.

> Richard A. Reid Suite 600 102 West Pennsylvania Avenue Towson, Maryland 21204 823-1800

Attorney for Petitioner

CYSTON, MUELLER. MCLEAN & REID 102 W. PENN. AVE.

SPECIAL EXCEPTION AND OR VARIANCE

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law

of Baltimore County, from an D.R.-16* zone to an C-1 zone zone, for the reasons given in the attached statement; and (2)-for a Special Except + under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property;

and (3) for the reasons given in the attached statement, a variance from the following sections of

*A small portion of subject property is already zoned 0-1.

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted result to the Zoning Law for Baltimore

Legal Owner(s):

(Type or Print Name)

7720 York Road

City and State

CITICORP FINANCIAL, INC.

Ronald E. (Geesey, President

Towson, Maryland 21204

Towson, Maryland 21204

Name, address and phone number of legal owner, con-

C. Keith McLendon, Assistant
...Corporate Counsel

7720 York Road 337-2600 Ext. 471

tract purchaser or representative to be contacted

337-2600

offices to house the Regional Healquarters for Citicorp Financial,

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

Inc.'s Mid-Atlantic Division

the Zoning Law and Zoning Regulations of Baltimore County:

Thomas Toporovich County Council Secretary-Administrator

823-1800

Norman E. Gerber, Director Office of Planning and Zoning

meeting on July 21, 1983.

William T. Hackett, Chairman

Leonard S. Jacobson County Solicitor

People's Counsel

Richard A. Reid, Esquire

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING TOWSON, MARYLAND 21204

Baltimore County Zoning Map

Portion of 200 Scale Map NE 9A

PROFESES 0-1

ARNOLD JABLON ZONING COMMISSIONER

October 25, 1983

82-233 SPHA

Richard A. Reid, Esquire 102 W. Pennsylvania Avenue Towson, Maryland 21204

Re: Petition for Reclassification SW/corner York Road and Cross Campus Drive Citicorp Financial, Inc. - Petitioner Case No. R-84-120

Dear Mr. Reid:

This is to advise you that \$122.78 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Zoning Commissioner

ALTIMORE COUNTY, MARYLAND No. 122960 OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT DATE_10/31/83 R-01-615-000 AMOUNT_\$122,78 PROM: Richard A. Retil, Esquire Advertising & Posting Case #R-84-120 Ost. 8 0560000122781b #3164

VALIDATION OR SIGNATURE OF CASHIER

DATT-MICUNE-WALKER INC.

530 E poppa Road Towschild, 21204 Telephone: 301-296-3333 **Land Planning Consultants** Landscape Architects Engineers

DESCRIPTION

6.94 Acre Parcel Cross Campus Drive Near York Road Minth Election District Baltimore County, Maryland

BEGINNING for the same at the intersection of the zoning line which divides the 0-1 and D.R. 16 zones and the South side of Cross Campus Drive, said point being located 487 feet more or less as measured along the South side of Cross Campus Drive from a fillet connecting said South side of Cross Campus Drive and the West side of York Road, thence leaving said zoning line and running with and binding on said South side of Cross Campus Drive and also on part of the seventh and the eighth lines of the outline of a parcel of land described in a deed dated December 1, 1977 from Greater Towson Realty, Inc. to Exxon Corporation and recorded among the land records of Baltimore County in Liber E.H.K., Jr. 5832 folio 363 (1) Northwesterly by a curve to the right with the radius of 1,299.33 feet and the length of 95 feet more or less, (2) North 55 degrees 29 minutes 07 seconds West 83.67 feet, thence leaving said South side of Cross Campus Drive and running and binding on the ninth, tenth, eleventh, twelth, first and part of the second lines of said aforementioned outline, (3) Southwesterly by a curve to the left with the radius of 15.00 feet, the length of 23.56 feet, the chord of said curve being south 79 degrees 30 minutes 53 seconds West 21.21 feet. (4) Southwesterly by a curve to the right with the radius of 130.00 feet, the length of 108.91 feet, the chord of said curve being South 58 degrees 30 minutes 53 seconds West 105.75 feet, (5) Northwesterly by a line curving to the right with the radius of 530.00 feet, the length of 291.32 feet, the chord of said curve being North 81 degrees 44 minutes 20 seconds West 287.66 feet, (6) South 24 degrees 38 minutes 30 seconds West 445.92 feet, (7) South 65 degrees 21 minutes 30 seconds East 447.65 feet and (8) South 52 degrees 15 minutes 00 seconds East 170 feet more or less to a point on said aforementioned zoning line thence binding thereon (9) Northeasterly 280 feet more or less and (10) Northeasterly 365 feet more or less to the place of

Containing 6.94 acres of land more or less.

June 7, 1983 Our File No. 83038

BALTIMORE COUNTY ECONOMIC DEVELOPMENT COMMISSION TOWSON, MARYLAND 21204

ROBERT L. HANNON DIRECTOR

July 7, 1983

Mr. Kenneth D. Dryden, Chairman Baltimore County Planning Board 4th Floor - New Courts Building Towson, Maryland 21204

Dear Mr. Dryden:

This letter is written in behalf of Citicorp Financial, Inc. (CFI), which operates its Mid-Atlantic Division from facilities at 7720 York Road, Towson. This operation is a regional headquarters serving Maryland, Pennsylvania, Delaware, Virginia, West Virginia, and the District of Columbia. CFI employs approximately 650 persons housed within its existing building of 120,000 square feet.

In April of this year, representatives of CFI met in my office and informed me of their intention to expand their existing facility in two phases. The outcome of this expansion would benefit Baltimore County in several ways. The obvious benefits are in job creation and expansion of the tax base. In addition to guaranteeing the retention of the existing 650 positions, expansion would create up to 1,150 new jobs within occupational categories to which both our educational institutions and public job retraining programs are targeted. Additional benefit is gained by the County from the prestige of hosting the regional headquarters of a nationally recognized firm such as Citicorp Financial, Inc. This recognition, enhanced by the support of local government in accommodating business needs, is a necessary ingredient in a successful program of externally marketing Baltimore County for economic growth and development.

This office emphatically endorses CFI's expansion program and urges the Flanning Board to make appropriate certification to the County Council for early action on CFI's Petition for Reclassification.

If this office can provide further information that would be helpful to Planning Board action, I would be most anxious to respond.

RLH: jet

Contract Purchaser:

City and State

Attorney for Petitioner:

City and State

Attorney's Telephone No.: _

Richard A. Reid, Esq.

102 West Pennsylvania Avenue

Towson, Maryland 21204

(Type or Print Name)

INTER-OFFICE CORRESPONDENCE

July 11, 1983

Zoning Reclassification Petition: Citicorp Financial, Inc.

SUBJECT Request for exemption from cyclical procedures

Str. 76.12

At its meeting on July 7, 1983, the Ad hoc Committee on Master Plan and Zoning Map of the Baltimore County Planning Board voted to recommend that the Planning Board certify to the County Council that early action on the subject Zoning Reclassification Petition would be in the public interest. I would appreciate your tentatively scheduling this item for Council consideration at its August meeting, subject to favorable action by the Planning Board at its

Thank you for your cooperation in this matter.

NEG:JH:cav

cc: The Honorable Donald P. Hutchinson County Executive

B. Melvin Cole County Administrative Officer

County Board of Appeals

John W. Hessian, III

James E. Dyer Zoning Supervisor

County Board of Appeals of Baltimore County Room 200 Court House Cowson, Maryland 21204 (301) 494-3180

January 16, 1984

Richard A. Reid, Esq. 102 W. Pennsylvania Ave. Towson, Md. 21204

Dear Mr. Reid:

Re: Case No. R-84-120 Citicorp Financial, Inc.

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

cc: C. Keith McLendon Peter Zimmerman, Esq. The Hon. Donald P. Hutchinson B. Melvin Cole Malcolm F. Spicer, Jr., Esq. A. Jablon J. Jung J. Dyer N. Gerber J. Hoswell

ROYSTON, MUELLER, MCLEAN & REID ATTORNEYS AT LAW

CARROLL W. ROYSTON H. ANTHONY MUELLER R. TAYLOR MCLEAN RICHARD A. REID E. HARRISON STONE MILTON R. SMITH, JR. C. S. KLINGELHOFER III

THOMAS F. McDONOUGH

LAWRENCE F. HAISLIP

SUITE 600 102 WEST PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204

JOHN L. ASKEW

(301) 823-1800

November 14, 1983

William T. Hackett, Chairman County Board of Appeals Room 200 Olde Court House Towson, Maryland 21204

> Re: Case No. R-84-120 Citicorp Financial, Inc.

Dear Chairman Hackett:

I have reviewed Baltimore County's Traffic Study for York Road and Burke Avenue with Petitioner's Traffic Consultant. Our interpretation of the data furnished is as follows:

Evening Peak Hours Northbound C

Southbound C

Eastbound D

Westbound B

Morning Peak Hours Northbound A Southbound B Eastbound B

Westbound D

Accordingly, there is only one D rating in the morning and one in the evening for the four turning movements. By copy of this letter,
I am asking Mr. Flanigan to notify you if he disagrees with the foregoing conclusions.

Also, I would like to comment that the conclusions reached by Baltimore County indicate that the intersection is operating at level of service D which would permit the development sought by Citicorp.
On the other hand, I do not think that traffic conditions are a valid reason for denying rezoning. Baltimore County's Growth Management Law prohibits the issuance of building permits in areas impacted by failing traffic conditions. It is at that time that traffic becomes a consideration and not upon consideration of a Petition for Rezoning.

Very truly yours, Richard A. Reid

cc: Mr. Michael S. Flan: an and Peter Max Zimmerman, Deputy People's Coun.

Towson Council of (231 Linden Avenue David L. Kreek President

February 13, 1984

William T. Hackett, Chairman Board of Appeals of Baltimore County Room 200 Court House Towson, MD 21204

RE: Case No. R-840-120 Item #12 Citicorp Financial, Inc. Cross Campus Drive and York Road

Dear Mr. Chairman,

The Greater Towson Council of Community Associations is an umbrella organization comprised of twenty community associations in the greater Towson area representing the rights and interests of residents in our community.

We are requesting that the Board of Appeals re-open the hearing of this case, an appeal by Citicorp Financial, Inc. for a change of zoning of their property from DR-16 to 0-1.

We contend that in the absence of any prior notice from any county department, the Board of Appeals, or even the People's Counsel that the hearing procedure was incomplete. The surrounding community associations should have been consulted, especially since Citicorp was granted this appeal based on a change of character in our neighborhoods.

We appeared at the public hearing on October 25, 1983. At that time, no indication was made by the Planning Board or any county employees that Citicorp was withdrawing from the regular process, although the October 5th notice sent to the People's Council would indicate that there was knowledge by some. Indeed, the Association was reassured by the pink sheets, for the Fourth Councilmatic District, distributed that evening that the Citicorp matter was going through the Regular Cyclical Process as Item 4-11. Further, members of the Association had discussed many issues with various relevant county agencies and were not advised of any appeal.

We consider the charge by Citicorp that the character of the neighborhood has "dramatically" changed to be totally



County Board of Appeals of Baltimore County Room 200 Court House Towson, Maryland 21204 (301) 494-3180

November 8, 1983

Richard A. Reid, Esquire 102 W. Pennsylvania Avenue Towson, Maryland 21204

> Re: Case No. R-84-120 Citicorp Financial, Inc.

Dear Mr. Reid:

Enclosed herewith is a copy of the traffic study which we received today from People's Counsel.

Very truly yours,

No. 117687

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

6 064****100posb 8248A

VALIDATION OR SIGNATURE OF CASHIER

February 13, 1984 RE: Case No. R-840-120 Item #12

without foundation. We also consider testimony presented to the Board by Citicorp experts, in areas such as traffic, to be so inaccurate and misleading as to constitute a massive danger to the health, safety and well-being of our residents, and to be the greatest assault on the integrity of the zoniong maps ever experienced in Towson.

The precedents of this case, if allowed to stand without input from the communities, threaten due process. The charge made by Citicorp, that the neighborhood has changed drastically, threatens our future well-being as well as other communities throughout the county.

David L. Kreek, President

cc: Keith S. Franz, AB Williams R. Evans, AB Patricia E. Phipps, AB Hon. Donald P. Hutchinson

> Hon. Ronald B. Hickernell Hon. James T. Smith, Jr. Hon. Norman W. Lauenstein Hon. John W. O'Rourke Norman E. Gerber, OPZ Hon. Clarence Long Hon. Thomas B. Kernan Hon. F. Vernon Boozer

Joanne Suder, AB Diana K. Vincent, AB Leroy B. Spurrier, AB B. Melvin Cole, County Admin. Office Hon. Gary Huddles Hon. Barbara F. Bachur Hon. Eugene W. Gallagher Thomas Toporovich Hoke Smith, Pres., TSU Hon. Donald K. Hughes Hon. Martha Klima Phyllis Friedman, People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. C. Richard Moore Assistant Traffic Engineer DATE: November 7, 1983 CAPACITY STUDY GROUP

INTERSECTION: Burke Avenue and York Road DATE OF STUDY: November 1, 1983

Burke Avenue is a two-lane undivided county road with a

left and right turn lane W/B. Burke Avenue E/B is a four-lane divided county road with a left turn lane and right wield. York Road is a four-lane

undivided state road with left turn arrows in both directions.

The signal functions as a 6 phase light. Cycle lengths in the morning was approximately 94 seconds long. In the afternoon they were approximately 104 seconds long.

The peak hours were 7:30 to 8:30 A.M. and 4:45 to 5:45 P.M.

The peak flow was N/B on York Road during the morning peak hour; and N/B on York Road during the afternoon peak hour. LOADED CYCLES:

Burke Avenue York Road SOUTHBOUND OVERALL 35% 35% 7:30-8:30 <u>7:30-8:3</u>0 P.M. 272 4:30-5:30 4:30-5:30 4:30-5:30 TURNING TRAFFIC L R L R A.H. 36% X X 12% X 627 287 X

P.H. 297 147 187 X X 417 337 X The weather was ______ . Pedestrian traffic was there were trucks in the A.M.
There were in the trucks in the P.M. On

LEVEL - OF- SERVICE OF THIS THERSECTION HAS BEEN DETERMINED TO BE A D.

Saph Ewher

10: WEST PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204-4575 .. february, 15, 1984

Carol 3 Paresh, Reporter Board of Appeals Room 200 Olde Court Bouse Towson, Maryland 21204 ,

Ret People's Counsel V. Citicorp Financial, Inc.

Dear Carols

In accordance with our telephone conversation of this date, I am enclosing herewith our check made payable to you in the amount of \$200.00 as a down payment for the transcript of the testimony in the above-entitled appeal. We understand that there will be a charge of an extra \$1.00 a page for you and your typist to comply with our request that the transcript be prepared as soon as possible. You advised that you would have it completed and filed by Thursday Pebruary 23, 1984.

By copy of this letter I am asking Edith T. Eisenhart, Adminis-trative Secretary of the Board, to take notice that we are extending every effort to expedite the appeal and ask that the other documents required to be forwarded to the Circuit Court for Baltimora County be ready for filing on that date.

I would also like to confirm that all of the foregoing is with the permission and cooperation of People's Counsel for Baltimore

Very truly yours,

Richard A. Reid

RAR/keg Enclosure

co: Mrs. Phyllis C. Friedman
People's Counsel for Baltimore County

Mrs. Edith T. Bisenbart Administrative Secretary of the Board of Appeals

In the Marter Of the Application of Citicorp Financial, Inc. for reclassification from D.R. 16 to 0-1 on Property located on the SW Corner York Road & Cross Campus Drive, 9th Distyset Zoning Case No. R-64-120

County Board of Appeals of Baltimore Co.

People's Counsel for Baltimore Co.

BALTIMORE COUNTY

IN THE CIRCUIT COURT

Docket 16 Polio 117 Case No. 84 M. 62

NOTICE OF FILING OF RECORD

Phyllis Cole Friedman Peter Max Zimmerman County Board of Appeals of Balto. Co.

In accordance with Maryland Rule of Procedure B12, you are notified that the record in the above entitled case was filed on February 21, 1984

True Copy Test ELMER H. KAHLING, JR., Clerk BALTIMORE COUNTY, MARYLAND

February 27, 1984

INTER-OFFICE CORRESPONDENCE

Hon. John W. O'Rourke Baltimore County Council

William T. Hackett, Chairman

FROM County Board of Appeals

SUBJECT Case No. R-24-120 - Citicorp Financial, Inc.

Replying to your letter of February 21, 1984, requesting the status of the above entitled case, please be advised that it has been appealed to the Circuit Court for Baltimore County by the People's Counsel.

•• ---



COUNTY COUNCIL OF BALTIMORE COUNTY COUNTY COURT HOUSE, TOWSON, MARYLAND 21204

JOHN W. O'ROURKE COUNCILMAN, SEVENTH DISTRICT

COUNCIL OFFICE: +94-3196 DUNDALK DISTRICT OFFICE: 284-0261 10 DUNMANWAY, P.O. BOX 9086 DUNDALK, MD 21222

February 21, 1984

William T. Hackett Chairman

Board of Appeals of Baltimore County Courthouse

Towson, Maryland 21204

Dear Mr. Hackett,

What is the status of case number R-840-120, Item 12?

Are the allegations referred to by Mr. Kreek, president of the Greater Towson Council of Community Associations, founded? If they are, what remedies can be made?

John W. O'Rourke Councilman, 7th District

JWO/ms cc: Mr. Kreek

272 ATLANTIC REPORTER, 24 SERIES

Los HELLER et al.

TEL. 494-2188

Charles SEGNER et al.

Court of Appeals of Maryland. Jan. 13, 1971.

County Board of Appeals granted changes in zoning classifications from residential to commercial to permit filling station and shopping center on the property, property sought to be rezoned to commercial and neighbors in the area protested. The to permit filling station and shopping cen-Circuit Court for Anne Arundel County, ter, would not of itself justify or support W. Harvey Beardmore, J., set aside the commercial rezoning, and matter of changes, and parties seeking the rezoning need would become pertinent only after appealed. The Court of Appeals, Hammond, C. J., held that growth in residential commercial could be shown. use sourrounding the property and resultant population increase of area, and inten-

borhood which would justify reclassifica-Order affirmed.

1. Zeelag -168

Construction of school and one million gallon water tank were uses legislatively permitted as compatible in a residential area, and were not the type of change of character of a neighborhood which would justify reclassification of property at near- Anna Arundel County from residential to by intersection from residential to commer- commercial) used the spear of perseverance

a filling station and various stores at time shield of res judicata, waving their flag of previous rejection of application for inscribed: "The more things change, the rezoning of residential land on intersection more they remain the same." In 1962 the

William Edward Hickson, Try and Try Again, quoted in The Home Book of Quo-tations (10th ed. 1967), p. 1488. The true authorship of the famous line has proven clusive. One T. H. Palmer is credited in H. Ferris, Favorite Poems, Old and New (1957), p. 540, while

to commercial, subsequent building of a second gasoline station, rezoning for a store near intersection and intensification in use of the commerical strip along one street near intersection did not effect ans real change in character of the surrounding land which would justify the rezoning

3. Zening 4=168 Intensification of residential uses of surrounding property, resulting in large

sification of commercial use near intersec- Charles C. W. Atwater, Baltimore (David tion on which property was located were A. Carney and Mylander & Atwater, Baltinot type of changes of character of neigh- more, on the brief), for appellants. Malcolm B. Smith, Annapolis (Smith & Wohlgemuth, Annapolis, on the brief), for

Argued before HAMMOND, C. J., and McWILLIAMS, FINAN, SINGLEY and DIGGES, JJ.

HAMMOND, Chief Judge.

The appellants (who seek a rezoning in to attack, advancing beneath their lunner proclaiming: "If at first you don't succeed. try, try, try again," and the appellers Where area of intersection contained (protesting neighbors) defended with the

> Woods, A Treasury of the Familiat (1959), p. 104, has it that the original author remains unknows. 2. "Plus, ca change, plus c'est la miest Alphonse Karr, Les Guepe

ommissioners granted the owner of a 5.6 acre plot of porthwest corner of Benfie Frums east and west) and Road (which runs north and reial, subsequent building of comprehensive zoning in 1952 soline station, rezoning for r intersection and intensification the commerical strip along em

feet by some 200 feet at all four intersection in the Light Com r intersection did not effect and The 1962 application soug ge in character of the surrounding Commissioners granted—a ch Pich would justify the resuite withwest corner to Heavy Con firms as a filling station) and a at the rest of the property from . to Light Commercial for use sification of residential sees

Judge Duckett, in the Circuit Congrowth adjacent to resident sought to be rezoned to commended the Commissioners ruling that the of the Commissioners, ruling that the filling station and shopping one been shown no substantial change aild not of itself justify or segret deracter of the neighborhood si mercial rezoning, and matter eriginal comprehensive zoning of 10 ould become pertinent only appeal, this Court affirmed. Judy at change to permit reserved derson said for the Court in a cial could be shown. Comm're of Anne Arundel County winds, 230 Md. 569, 572, 187 A.2d &

"We think the Chancellor was weles C. W. Atwater, Baltimore Chancellor was weles C. W. Atwater, Baltimore Chancellor was reles C. W. Atwater, Baltimore Chancellor was released to the control of the Chancellor was released to the chancellor was supportable on the record. The new on the brief), for appellants head is almost solidly residential.

colm B. Smith, Annapolis (Smith, Annapolis on the brief)

station on another . Ti question abuts a proposed ele-

501, 180 A.2d 828. It was (1950). 2 164, be 18 (1950). 2 164, be 18 (1950). 2 164, be 18 (1950). 3 164, be 18 (1950).

school of 24 rooms and is directled before HAMMOND, C. the road from a country club. The ILLIAMS, FINAN, SINCE es evidence at all of mistake in the ES, JJ. adopted in July 1952. The change MMOND, Chief Jadge to be established in order to juseaing to permit the shopping Arundel County from aming to permit the shopping was that in recent years some plants formerly farm land, had been for the building of residences, consequent increase in the political as the Chancellor pointed mere increase in population digress a change in the character neighborhood to justify another seeing. See Didlake v. Porcet. HELLER v. SEGNER Cite as 272 A.24 374 gued that because of the increase in popu-

County Commissioners granted the petition of the owner of a 5.6 acre plot of ground at the northwest corner of Benfield Road which runs east and west) and Jumpers Het Road (which runs north and south) * rezone the property for commercial use. The comprehensive zoning in 1952 had put

· feet by some 200 feet at all four corners the intersection in the Light Commercial ter. The 1962 application sought-and Commissioners granted—s change at morthwest corner to Heavy Commercial for use as a filling station) and a change et the rest of the property from Agricultral to Light Commercial for use as the we of a shopping center.

w the Commissioners, ruling that there had classifications to permit the filling station we cal comprehensive zoning of 1952. On more set aside the action again, saying: was, this Court affirmed. Judge Henwas said for the Court in County *** of Anne Arundel County v. Fair-> 34 Md. 569, 572, 187 A.2d 845, 846:

"We think the Chancellor was correct

a hading that the rezoning was not mentalist on the record. The neighbora almost solidly residential. There * a tavern on one corner and a filling on another . . . The lot in Whittle v. Bd. of Zoning Appeals, 211 Md. abuts a proposed elementary 36, 45, 125 A.2d 41, 46, that the doctrine of of 24 rooms and is directly across res judicata applied to the decision of a from a country club. There was court in a zoning appeal, saying: at all of mistake in the origin the comprehensive plan a July 1952. The change sought exampled in order to justify repermit the shopping center, a facent years some property, form land, had been utilized of residences, with a sought by the appellees." Chancellor pointed out, a The changes in the circumstances upon

lation a need for additional shopping facilities was demonstrated. But there was precise testimony that shopping facilities in the neighborhood were more than adequate, and the testimony as to public need was based upon general conclusions from population figures that were not even put in evidence. The protestants argued, with some force, that the increase in shopping facilities and service stations in the area defined exceeded the increase in population. The Board made no finding of fact on this point but only a general finding that

conditions have changed'." ladge Duckett, in the Circuit Court for In 1969 the County Board of Appeals Arundel County, nullified the actions granted precisely the same changes in we shown no substantial change in the and the shopping center that the Commisthe sioners had granted in 1962. Judge Beard-

[burden] has been met by the applicant in this case. The requested reclassifications are not substantiated by the requisite changes in the character of the neighborhood. If anything, the neighborhood has become more residential

Judge Brune for the Court found in

"It is our view that " " if there have been substantial changes in fact and circumstances between the first case and the second, the doctrine of res judicata would not prevent the granting of the special permit [for a funeral home on York Road in Baltimore County]

Chancellor pointed out, a population does not which the appellees relied in Whittle were summarized in the opinion as follows: (1) increased commercialization in the area; (2) increased population; (3) decreased neighborhood opposition; and (4) addi-

October 5, 1983

Richard A. Reid. Esquire 102 West Pennsylvania Avenue Towson, Maryland 21204

NOTICE OF HEARING Re: Petition for Reclassification SW/corner of York Road and Cross Campus Drive Citicorp Financial, Inc. - Petitioner Case No. R-84-120

○ 10:00 A. M. Wednesday, November 2, 1983

PLACE: Room 218, Courthouse, Towson, Maryland

cc: People's Counsel

William T. Hackett, Chairman County Board of Appeals

Witimore County, Maryland PEOPLE'S COUNSEL RM. 223, COURT HOUSE

November 17, 1983

TOWSON, MARYLAND 21204

JOHN W. HESSIAN, III People's Counsel

PETER MAX ZIMMERMAN Deputy People's Counsel

Towson, Maryland 21204

The Honorable William T. Hackett, Chairman Board of Appeals of Baltimore County Room 200, Court House

> RE: Citicorp Financial, Inc., Petitioner Case No. R-84-120 (Item 12)

Dear Mr. Hackett:

The record is now complete in the above case, so that it is ripe for decision. We shall not file any further written memorandum.

At oral argument, we referred to the cases of Heller v. Segner, 260 Md. 393, 272 A.2d 374 (1971), and Cardon Investments v. Town of New Market, 55 Md. App. 573 (1983), copies of which are enclosed. These pertain to change in the character of the neighborhood. We would also refer to the fact that the Circuit Court for Baltimore County on November 8, 1983 affirmed the Board's denial of a petition for reclassification on the Soley property at the northeast corner of York Road and Aigburth, in close proximity to the subject property. While Soley involved a number of issues, one of the issues was whether or not there had been a significant change in the character of the neighborhood to warrant office rezoning.

As to the traffic conditions at York Road and Burke Avenue, as interpreted under Baltimore County procedures (level of service "D") or under the Petitioner's interpretation (direction), traffic remains a matter to be considered, particularly in light of other properties already in the process of development or newly developed in the neighborhood.

Having said that, we await the Board's decision at its earliest convenience.

Very truly yours, Peter Har Common Peter Max Zimmerman Deputy People's Counsel

cc: Richard A. Reid, Esquire PMZ:sh

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station in an area already commercial and containing two such stations did not "show heavy commercial of the tocontaining two such stations did not "show any substantial change or increase in commercialization between 1949 and 1954"; that increase in population had been urged ing station; third, the rezoning in the first case; that zoning cannot be commercial of a lot on the in the first case; that zoning cannot be made to depend on a plebiscite of neighmade to depend on a plebiscite of neighbors; and that the matter of the more stringent conditions had no significance.

that there must be significant and substantial change in the character of the neighborhood or such a change in the applicable the tank and the school are uses legicies law if the second judicial decision is not ly permitted as compatible in a resident to be the same as the first, and indicated area; we so held in France v. Shape the pragmatic test of significance to be 248 Md. 335, 343, 236 A.2d 726, 730: would "if developed in actual use under "It is well recognized that the location their new classifications, have any real in a residential zone of improvements > effect upon or make any real change in a character permitted by the ordinarce the character of the neighborhood as [residential]." See also Chatham Corporation v. Beltram, 243 Md. 138, 220 A.2d 589.

The changes that have occurred within 2,000 feet of the intersection of Benfield Road and Jumpers Hole Road-and indeed within a radius of two miles of the intersection-have been very largely those of permitted intensification of residential uses, such as changes from agricultural use to cottages or manor type houses, with a consequent large increase in population. The record fully supports Judge Beardmore's finding that "If anything, the neighborhood has become more residential since ter, 233 Md. 414, 197 A.2d 135 (1964)

[1] To support the argument that the [2,3] As far as the building of the secgreat growth in residential use surround- ond gasoline station on the south side of ing the property involved raises a need for Benfield Road east of Jumpers Hole Road a shopping center that should be satisfied —there was one on the north side in 1% by the rezoning sought, the appellants rely -and the rezoning for the Acme store are on various commercial and public changes concerned, we paraphrase the Court's words

tional conditions attached to the grant of that have occurred since 1962 intensification of light containing east from Jumpers Hole The Court in Whittle held that the construction of a new stone church to replace a wooden one and the addition of a filling station in an area already commercial and station in an area already commercial and classification from light commerci to permit the building-not yet realist In Woodlawn Area Citizens Ass'n v. ing by the County of a 1,000,000 color Board, 241 Md. 187, 199, 216 A.2d 149, water tank 500 feet north of Benfield 157, we reaffirmed the holdings of Whittle on Jumpers Hole Road and of a school of

with a residential development, is not the type of change of character of a nege borhood which will justify reclassifica tion, Agneslane, Inc. v. Lucas, core [247 Md. 612, 233 A.2d 757] (fire house Baker v. Montgomery County Council supra [241 Md. 178, 215 A.2d 83; (school); Levy v. Seven Slade, Inc. 234 Md. 145, 198 A.2d 267 (1964) (syra gogue, school, parking lot, powerhouse Kaslow v. Mayor and Council of Rock ville, 236 Md. 159, 202 A.2d 638 (1964 (church); Montgomery County v. Er. (armory, motor shed, paved area)."

The area is resider any effect upon the an of light commercial mes the side of Benfield Road runlive. That one reservoir Jumpers Hole R J in feet, such as the building of and a busy intersection ven Store; second is the re-

etarely residential, with the forms of the intersection at Benfield the tower which fronts on said the intersection at Benfield to the tower which fronts on said the intersection at Benfield to the tower which fronts on said the intersection at Benfield to the tower which fronts on said the intersection at Benfield to the tower which fronts on the benfield to the tower which is the said to the said hopers Hole Road and a strip see scussing them in inverse science and school are uses legislation. the two corners to the west have see so held in France v. Samuely developed). As far a 335, 343, 236 A.2d 726, 735 well recognized that the state well recognized that the state will recognize the st

urred since 1962. First is the

character change or i serviced Road just east of Jumpers to permit the building of a shired the

of a lot on the east me di The intensification in use of the sole Road north of Benfield Bank and along Benfield Road Is the building-not yet realists of effect any real change in the see Store; and, finally, the table of the hand to the west or the source of a 1,000,000 gallet of the hand to the west or the source of a 1,000,000 gallet of the hand to the west or the source of a 1,000,000 gallet of the hand to the west or the source of the hand to the hand to the hand to the west or the source of the hand to t a comparible in a resident ted as compatible in a resident

position growth, of residentia although not necessarily although not necessarily although to be rezoned to compare of character of char we (often for a shopping center of shelf justify or support the comes pertinent only after sufficient of permit rezoning to commercial shown. See Wright v. McCu 271 A.2d 365 (1970) [decided D 1970]: Wells v. Diagrant 253 1970]; Wells v. Pierpont, 253
23 A.2d 749; Miller v. Abraham
126, 262 A.2d 524; Chapman v.

177 County 250

ONE TWENTY REALTY COMPANY V. BAER

Whittle, p. 46 of 211 Md., p. 46 of 125 Hardesty v. Dunphy, 259 Md. 718, 271 A.2d

12d as follows: "The other [change claimed to be significant] is the addition of one filling 575 station [and one store site] in an area already commercial and already containing Judge Beardmore was right in holding [one] such [station] [and various stores] the rezoning by the Board to be arbitrary, • • • [T]he area is residential. • • capricious and illegal. None of the new commercial developments along the * * * [r]oad * *

character of the neighborhood where the protestants live. That one new filling station [and one more store site] * * * at or near a busy intersection already having Jone filling station and various stores) does not, in our judgment, show are substantial change or increase in commercialization between [1962 and

The intensification in use of the commer-

14 strip along Benfield Road likewise did we effect any real change in the character w to had to the west or the south or north which since 1952 has been almost to commercial has been might have accrued to vendor. Wrest v. McCubbin, Md., Affirmed.

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itinued from precedi ig page)

EALTY v. BUCCHERI

S v. OCE-INDUS.

DS COMM'N

DEL COUNTY

LTIMORE

BALTES .

152; Cabin John Ltd. Partnership v. Montgomery Co., 250 Md. 661, 271 A.2d 174; Harley v. Aluisi, 259 Md. 275, 269 A.2d

Order affirmed, with costs. have had any effect upon the residential

> 200 Md. 400 ONE TWENTY REALTY COMPANY, fac. et al.

> > Eric BAER et al. No. 201. Court of Appeals of Maryland.

> > > Jan. 13, 1971.

Actions in which broker sought to rewintersection at Benfield Road and cover commissions from vendor and vendor Hole Road and a strip along Ben- sought damages from broker. The Circuit Let hat for a short distance to the east Court for Frederick County, Irving A. Le-• rendered judgments for vendor, to corners to the west have not been and broker appealed. The Court of Apdrekoped). As far as need is peals, Hammond, C. J., held, inter alia, that m relation to increased popula- agency of broker, whose commission dem bare are cases at least in the last pended on consummation of purchase and was as have held that intensification, who was employed by vendor as attorney ment that intensification, and in pending proceeding to procure rezoning, growth, of residential uses adcontract and broker breached his duty to to be resoned to commercial vendor by failing to disclose facts and inwe resoned to commercial ventur by landing to the suppling center) will not formation about optionee's financial conty or support the commercial dition and concerning manipulations which that the matter of need beafter sufficient change third party and in profit that otherwise

HCD; [decided December 8, Perpont, 253 Md. 554, Bar a Sa St. Abrahams, 257 Md. I. Vender and Purchaser (=18(1) Agreement for sale of land whereunder Agreement for sale of make certain Agreement for sale or lains where the sale of lains wh CARDON INV. v. TOWN OF NEW MARKET 573

CARDON INVESTMENTS v. TOWN OF NEW MARKET ET AL [No. 1704, September Term, 1982.]

> Decided October 5, 1983. ZONING - APPEAL - A Local Zoning Or Resoning Ordinance, Enacted

Pursuant To Powers Granted By The Legislature, Is Presumed To Be Valid - Where There Is No Room For Reasonable Debate, Or A Record Barren Of Supporting Facts, The Court Can Declare Legislative Action Invalid.

ZONING - Rezoning - The Authority Of The County Commissioners To Rezone Is Limited To Circumstances Where Sufficient Evidence Shows That The Original Zoning Was Mistakenly Applied Or A Substantial Change In The Character Of The Neighborhood Warrants The Change.

ZONING -- Comprehensive Rezoning -- "Comprehensive Rezoning" Is A Term Of Art With A Specific Legal Definition - The Fact That Few Changes In Zoning Are Made Does Not Affect The Comprehensive Nature Of The Rezoning. A comprehensive zoning or rezoning is the product of careful consideration and extensive study, designed to control and direct the present and planned future use of land and buildings; it applies to a substantial geographical area, regulates all uses, and covers the height, area and use of land utilization.

ZONING - APPEAL - Comprehensive Rezoning - A Statement Of Legislative Intent Is Relevant To But Not Dispositive of Whether A Given Rezoning Is Comprehensive - The Court Must Look To The Actual Procedure Used And Provisions Of The Ordinance To Determine If It Is Compre-

ZONING - Rezoning - Changes In The Character Of A Neighborhood Prior To The Last Comprehensive Rezoning May Be Considered Only In Conjunction With Subsequent Changes To Justify A Reclussification.

ZONING - Comprehensive Rezoning - When A Local Legislative Body Adopts Comprehensive Rezoning, It Cannot Provide That It Is Not Comprehensive Rezoning, Either By So Stating Or Through A Designation Of The Change Mistake Date.

ZONING - State Law, Not Inherent Police Power, Determines The Extent Of Local Legislative Authority To Zone, And The Terms Under Which It May Be Exercised - Md. Code, Art. 66B, \$ 4.01.

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Zonnes - Comprehensive Resoning - State Law Defines What Constitutes Comprehensive Resonant, And What Consequences Flow From That Designation - State Law Accords Comprehensive Resoning A Presumption Of Correctness, Rebuitable Only By A Showing Of Mistake Or Change In Circumstances - 1.1. Code, Art. 66B, § 4.05 (a).

ZONING - ADMINISTRATIVE LAW - APPEAL - The Court May Reverse Am Administrative Action That Is Arbitrary, Capricious, Illegal, Or Unconstitutional - So Long As Correction Of A Mistake Of Law Does Not Necessitate The Taking Of Additional Evidence, The Circuit Court May Correct The Mistake And Decide The Case. Although the courts must defer to the expertise of an administrative agency in the resolution of disputed questions of fact, mistaken interpretation of law is held not to be within the exercise of sound administrative discretion and the legislative prerogative, but to be arbitrary and illegal.

ZONING - ADMINISTRATIVE LAW - A Legislative Body Sitting As A Zoning Board Acta As An Administrative Agency Whose Authority Is Limited By Statute And Case Law - Aithough The Zoning Hearing May Be Governed By Laws Actually Passed By The Same Body, It Does Not Thereby Gain Any Additional Authority.

ZONING - Rezoning - To Obtain Reclassification. The Applicant Must Show That There Was A Substantial Change In The Character Of The Neighborhood Where The Property Is Located Or That There Was A Mistake In The Existing Zoning Classification - Md. Code, Art. 66B, § 4.05

STATUTES - While Subsequent Legislative Interpretation Of A Prior Statute Is Not Binding On The Court, A Subsequent Statute Purporting To Declare The Intent Of An Earlier One Might Be Of Great Weight In Assisting A Court When In Doubt. ZONING - The Planning And Zoning Functions Are Different - The

Zoning As Recommended Or Proposed In The Master Plan Is Not Incorporated In A Comprehensive Zoning Map Until It Is Officially Adopted And Designated As Such By The District Council.

Appeal from the Circuit Court for Frederick County (CAHOON, J.).

Cardon Investments applied for rezoning of a parcel of property to permit the property to be used for a truck stop.

CARDON INV. v. TOWN O

The Board of County Commission granting the rezoning. The Town of the circuit court, which permitted 😘 🕟 Planning to intervene. From a

rezoning, Cardon Investments app Judgment affirmed. Costs to be: The cause was argued before Lo

John C. Murphy, with whom was brief, for appellant.

Peyton Paul Phillips for appellees al. Judith A. Armold, Assistant whom was Stephen H. Sachs, Attorn for appellee Maryland Department

BISHOP, J., delivered the opinion

Cardon Investments appeals a F Court order that overturned a reappellees are the Town of New Mark 350 persons residing in and about the and the Department of State Plann venor in opposition to the rezoning

The subject property consists of 6. located on the south side of Marylan section with Maryland Route 75, ir Interstate 70 interchange. It is b vacant agricultural land, and on th by State Roads Commission right Route 144. Maryland Route 75 and tively. The subject property is just c Town of New Market.

v. TOWN OF NEW MARKET 155 Md. App.

e Rezoning - State Law Defines What Constining, And What Consequences Flow From That Accords Comprehensive Rezoning A Presumption
Only By A Showing Of Mistake Or Change In e, Art. 66B. \$ 4.05 (a).

I.AW -- APPEAL -- The Court May Reverse An hat Is Arbitrary, Capricious, Illegal, Or As Correction Of A Mistake Of Law Does Not Additional Evidence, The Circuit Court May ecide The Case. Although the courts must defer histrative agency in the resolution of disputed nterpretation of law is held not to be within the ive discretion and the legislative prerogative,

Law — A Legislative Body Sitting As A ministrative Agency Whose Authority Is Limaw - Although The Zoning Hearing May Be v Passed By The Same Body, It Does Not I Authority.

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Proposed In The Mester Plan Is Not ve Zoning Map Until It Is Officially Adopted he District Council.

cuit Court for Frederick County

pplied for rezoning of a parcel of operty to be used for a truck stop. CARDON INV. v. TOWN OF NEW MARKET 575

Opinion of the Court.

The Board of County Commissioners passed an ordinance granting the rezoning. The Town of New Market appealed to the circuit court, which permitted the Department of State Planning to intervene. From an order reversing the rezoning, Cardon Investments appeals.

Judgment affirmed. Costs to be paid by appellant. The cause was argued before Lowe, BISHOP and ADKINS,

John C. Murphy, with whom was Harry T. DeMoll on the

brief, for appellant. Peyton Paul Phillips for appellees Town of New Market et al. Judith A. Armold, Assistant Attorney General, with whom was Stephen H. Sachs, Attorney General, on the brief,

for appellee Maryland Department of State Planning. BISHOP, J., delivered the opinion of the Court.

Cardon Investments appeals a Frederick County Circuit Court order that overturned a rezoning of its land. The appellees are the Town of New Market (being approximately 350 persons residing in and about the Town of New Market) and the Department of State Planning (Department), intervenor in opposition to the rezoning.

The subject property consists of 6.125 acres of vacant land located on the south side of Maryland Route 144 at its intersection with Maryland Route 75, immediately north of the Interstate 70 interchange. It is bordered on the east by vacant agricultural land, and on the north, west and south by State Roads Commission rights-of-way for Maryland Route 144. Maryland Route 75 and Interstate 70, respectively. The subject property is just outside the limits of the Town of New Market.

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[55 Md. App. Opinion of the Court.

The case before us began its legal journey on October 9, 1981, when appellant filed its application for rezoning, to permit the site to be used for a truck stop. For the purposes of this appeal, it is necessary that we look to some history of the subject property and rezoning in Frederick County. 1959 - The Board of County Commissioners adopted its first comprehensive zoning ordinance, which placed the sub-

ject property in zoning classification A-1, agricultural. 1971 - At the request of the then property owner, Humble Oil Company, the property was re-zoned from A-1, agricultural, to B-2, community business zone. The B-2 classification permitted an "automobile service station"; however, the County Code defined only an automotive service station as "[t]hat portion of property where flammable or combustible liquids are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles . . .". (Frederick County Code, section 40-1).

1972 - Frederick County adopted a comprehensive land use plan with a "highway service commercial" classification, described as:

"Highway Service Commercial (Purposes): To provide for vehicular transient services at major highway intersections.

Areas Classified: 1. Intersections of major highways such as expressways, freeways and major arterial roads. 2. Intersections of highways between employment and residential areas. Uses Permitted:

Service stations, lodging and accommodations, restaurants, truck stop, rest and picnic areas, specialized tourist-oriented retail commercial and convenience goods." (Emphasis supplied.)

When appellant filed for rezoning of its land in 1981, the staff report of the Planning Department of Frederick County CARDON INV. v. TOWN O

Opinion of the Co

"VI. Relationship to the 19 v. TOWN OF NEW MARKET 155 Md. App. inion of the Court. The published 1972 adopted (

designates this site for High egan its legal journey on October 9. addition. District and Reg filed its application for rezoning, to Centers are designated in the northeast quadrant of the I-70 ed for a truck stop. For the purposes ssary that we look to some history of The staff would note that the d rezoning in Frederick County. the Frederick County Court

adopted Comprehensive Plan f County Commissioners adopted its ing ordinance, which placed the subthe extension of High Density R classification A-1, agricultural. of Rt. 144, east of Rt. 75, on the the subject site. The remain tof the then property owner. Humble shown as Rural Reserve. In the serty was re-zoned from A-1, agriculreflects a mapping error since that business zone. The B-2 classifibelieve this area was intende attomobile service station": however. Rural Reserve due to the inten d only an automotive service station around this site and the design perty where flammable or combusti-Service in the published Plan and dispensed from fixed equipment

notor vehicles ...". (Frederick County 1977 - Frederick County adopted "to repeal and re-enact with amend sunty adopted a comprehensive land 'Zoning' of the Frederick County County adopted a comprehensive land 'y service commercial" classification,

This ordinance designated May date of the passage of the ordinan ce Commercial (Purposes): To changes of mistakes required to be lar transient services at major rezoning. The ordinance also creater ans. mercial) and the H.S. (Highway Se.

1981 — Appellant applied for a Z of major highways such as ing Permit to construct a truck stop ays and major arterial roads. was not explicitly referred to in Zoning Regulations, appellant sough of highways between employion by the Zoning Administrator product al areas. was a permitted use in the G.C. cla New Market appealed this interpr

Appeals, which affirmed the Zoni stop, rest and picnic areas, spe-Town then appealed to the Circuit ented retail commercial and "(Emphas' supplied.) for rezoning of its land in 1981, the ng Department of Frederick County

CARDON INV. v. TOWN OF NEW MARKET 577

Opinion of the Court. "VI. Relationship to the 1972 Comprehensive

The published 1972 adopted Comprehensive Plan designates this site for Highway Service use. In addition. District and Regional Commercial Centers are designated in the 1972 Plan for this northeast quadrant of the I-70/Rt. 75 interchange. The staff would note that the 1972 Plan filed in the Frederick County Courthouse includes an adopted Comprehensive Plan map ... calling for the extension of High Density Residential use south of Rt. 144, east of Rt. 75, on the western portion of the subject site. The remainder of this tract is shown as Rural Reserve. In the staff's opinion, this reflects a mapping error since the staff does not

believe this area was intended to be designated

Rural Reserve due to the intensity of uses planned

around this site and the designation of Highway Service in the published Plan map." 1977 - Frederick County adopted Ordinance No. 77-1-78 "to repeal and re-enact with amendments, Chapter 40, Title

Zoning of the Frederick County Code."

This ordinance designated May 11, 1959, instead of the date of the passage of the ordinance for determining any changes of mistakes required to be shown for purposes of rezoning. The ordinance also created the G.C. (General Commercial) and the H.S. (Highway Service) classifications.

1981 - Appellant applied for a Zoning Certificate Building Permit to construct a truck stop. Because a "truck stop" was not explicitly referred to in the Frederick County Zoning Regulations, appellant sought and obtained an opinion by the Zoning Administrator providing that a truck stop was a permitted use in the G.C. classification. The Town of New Market appealed this interpretation to the Board of Appeals, which affirmed the Zoning Administrator. The Town then appealed to the Circuit Court.

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Opinion of the Court. [55 Md. App.

While the above appeal was pending before the Circuit Court, the Board of County Commissioners enacted a zoning text amendment that defined truck stops and restricted them to the H.S. and light industrial classifications. The issue raised by the Town in the pending appeal became moot.

Appellant then applied for rezoning of the subject property from the General Commercial classification to the Highway Service classification, to permit the property to be used for a truck stop.

1982 - The Board of County Commissioners passed Ordinance 82-2-246, which rezoned the property H.S. The Board agreed to rezone the site because:

1. The site was designated as H.S. on the 1972 comprehensive plan; and

2. Substantial change in the character of the neighborhood warranted reclassification of the property (the Commissioners adopted the staff report, which measured the change since 1959). The Commissioners also found that there was no mistake

in the 1977 zoning of the property in the G.C. classification. The Town of New Market then appealed to the Circuit Court for Frederick County. At this time, the Department of State Planning (Department), which had not appeared before the Commissioners, filed a timely intervention and appeal from the reclassification ordinance, in accordance with Article 88C, section 2 (r) of the Maryland Code. An order of the Circuit Court for Frederick County dated May 4, 1982, designated the Department as a party.

On July 26, 1982, the circuit court reversed the action of the Commissioners, thereby denying the reclassification. This appeal is from the court's order of August 10, 1982, implementing that decision.

At the beginning of its oral opinion the circuit court pointed out that its function was to determine whether "the decision of the County Commissioners is erroneous as a matter of law," not to substitute its judgment for that of the County Commissioners. The court observed that it could not CARDON INV. v. TOWN OF

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make findings of fact, but could "cor sufficient evidence before the Com findings that they did make."

When a local legislative body en either original zoning or rezoning granted by the Legislature thervalidity, albeit with greater force zoning. Where, however, "there is debate, or a record barren of support can declare legislative action" inva

202 Md. 136, 141-42 (1953). This same standard is set out in H292 Md. 351, 355-56 (1982); Boyce 43, 49-50 (1975); Rockville v. Henl (1973). See generally: 6 R. Rohan.

Controls, \$39.02 [3] (1983). In the case sub judice the circuit c ity of the County Commissioners, cumstances where there is sufficient conclude that the zoning was mis original zoning or that there had bin the character of the neighborhood

to make the change." The circuit court, in its oral opinio before it did not contain sufficient change in the neighborhood to Specifically, with regard to the chan stated that:

> 1. In 1971 the Board of Courezoned the property from an ag to a commercial category. The in that classification until the attempt to rezone. This caused the circumstances or the necessi sider changes prior to that date 2. The fact that the 1972 plan erty of H.S. is irrelevant to the

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peal was pending before the Circuit unty Commissioners enacted a zoning defined truck stops and restricted light industrial classifications. The n in the pending appeal became moot. ed for rezoning of the subject property mercial classification to the Highway to permit the property to be used for

of County Commissioners passed hich rezoned the property H.S. The e the site because:

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circuit court reversed the action of

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make findings of fact, but could "conclude that there was not sufficient evidence before the Commissioners to make the findings that they did make."

When a local legislative body enacts a zoning ordinance, either original zoning or rezoning, pursuant to powers granted by the Legislature there is a presumption of validity, albeit with greater force in the case of original zoning. Where, however, "there is no room for reasonable debate, or a record barren of supporting facts . . . the Court can declare legislative action" invalid. Wakefield v. Kraft, 202 Md. 136, 141-42 (1953).

This same standard is set out in Howard County v. Dorsey, 292 Md. 351, 355-56 (1982); Boyce v. Sembly, 25 Md. App 43, 49-50 (1975); Rockville v. Henley, 268 Md. 469, 472-73 (1973). See generally: 6 R. Rohan, Zoning and Land Use Controls, §39.02 [3] (1983).

In the case sub judice the circuit court set out the authority of the County Commissioners, which "is limited to circumstances where there is sufficient evidence for them to conclude that the zoning was mistakenly applied in the original zoning or that there had been substantial changes in the character of the neighborhood to warrant the decision to make the change."

The circuit court, in its oral opinion, found that the record before it did not contain sufficient evidence of mistake or change in the neighborhood to justify the rezoning. Specifically, with regard to the change consideration date, it

1. In 1971 the Board of County Commissioners rezoned the property from an agricultural category to a commercial category. The property continued in that classification until the time of the current attempt to rezone. This caused "a truncating ... of the circumstances or the necessity to view and consider changes prior to that date."

2. The fact that the 1972 plan classified the property of H.S. is irrelevant to the Board of County 580 CARDON INV. v. TOWN OF NEW MARKET

Commissioners' determination to rezone in this

3. Textual changes in the 1977 ordinance created "refinements of the zoning classification", which in turn required designating on the map those areas where the textual changes applied. There was, accordingly, "a conscious determination to find the sites ... appropriate for this highway service classificacion", but the subject property was not one of

4. As a result, the time for "a consideration of the change in the character of the neighborhood" was

With respect to evidence of mistake or change, th. urt

5. The Commissioners made an express finding that there was no mistake in the general commercial zoning of the property in 1977.

6. The changes set out by the Commissioners going back to the date that the court deemed appropriate would not call for a reclassification, e.g., the nature, scope and location of the highway improvements had long been considered; their completion in 1974 is of "no telling consequences" in terms of the 1971 decision to place the property "in the commercial category ...".

7. The availability of adequate sewer facilities is not significant, though the system, of course, should "be able to take care of the property." 8. The number of extensions of commercial

zoning set out in the opinion of the Commissioners were "by their own findings ... of the same character" as those that had previously taken place, or had been previously considered, and therefore "do not meet the test of the change in character [of the neighborhood]."

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evidence before the Commissi TOWN OF NEW MARKET change of 1981.

10. "Therefore, there is not conclusion that there has been character of the neighborhood rezoning."

The circuit court thus held the es in the 1977 ordinance created change in the neighborhood would 1959, as provided in the 1977 zoning classification", which in 1959, as provided in the 1977
Measuring from 1977 (or even 1971
cient change to warrant rezoning a changes applied. There was, cious determination to find the Appellant raises the following is I. Did the court err in finding the subject property was not one of measured from either 1971 or 1977.

out in the ordinance? time for "a consideration of the II. Did the court err in finding taleacter of the neighborhood" was cient evidence of change in

neighborhood to support the reclas-III. Did the court err in finding was not a proper exercise of legisla the Frederick County comprehensi

> istake in the general commeroperty in 1977.

Appellant argues that change sko from 1959; it urges that the circuit the 1977 ordinance as a comprehensional contained the following provision, a County Zoning Code as Section 1-1 County Zoning Code as Section 1-1

> "§1-19-67. Legislative intentary of adequate sewer facilities in take criteria for reach the system, of course, should of the property." It is the legislative intent of

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f extensions of commercial commissioners that any chall opinion of the Commissioners findings ... of the same charhad previously taken place, or considered, and therefore "do

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Board of County Commissioners

Zoning Ordinance and Map as

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Map and Text since 1959, at

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als considered.

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eir purposes and findings for

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9. The only change of consequence that was in ermination to rezone in this evidence before the Commissioners was the text

change of 1981. 10. "Therefore, there is nothing to compel the conclusion that there has been such a change in the character of the neighborhood that it requires the

The circuit court thus held that the date from which change in the neighborhood would be measured was not 1959, as provided in the 1977 ordinance, but 1977. Measuring from 1977 (or even 1971), the court found insufficient change to warrant rezoning appellant's property. Appellant raises the following issues:

I. Did the court err in finding that the change should be measured from either 1971 or 1977, and not from 1959, as set out in the ordinance? II. Did the court err in finding that there was not suffi-

cient evidence of change in the character of the neighborhood to support the reclassification? III. Did the court err in finding that the reclassification was not a proper exercise of legislative discretion based on the Frederick County comprehensive plan?

The Change Consideration Date

Appellant argues that change should have been measured from 1959; it urges that the circuit court erred in treating the 1977 ordinance as a comprehensive rezoning, from which change must be measured. The 1977 ordinance, No. 77-1-78, contained the following provision, codified in the Frederick County Zoning Code as Section 1-19-67:

"\$1-19-67. Legislative intent for change or mistake criteria for rezoning. It is the legislative intent of the board of county

commissioners that any changes or mistakes

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required to be shown for rezoning subsequent to January 24, 1977, shall not be from such date, but changes in the character of the neighborhood or mistake in the existing zoning may be shown and considered as evidence by the board of county commissioners from the date of the original adoption of a zoning ordinance on May 11, 1959, or from the date of adoption of any future comprehensive

Appellant contends that a legislative intent to rezone comprehensively is a necessary precondition to application of the mistake/change rule. When, as here, the zoning authority expressly disavows such an intent, appellant concludes that a court cannot treat the rezoning as compre-

regional zoning map amendment."

"Comprehensive rezoning" is a term of art with a specific legal definition set out by the Court of Appeals in numerous

In Mraz v. County Comm'rs of Cecil Co. 291 Md. 81, 88, 89 (1981) the Court stated that:

"The indicia of 'comprehensiveness' in zoning are well established. A comprehensive zoning or rezoning must be well thought out, the product of careful consideration and extensive study, and based upon considerations concerning the common needs of the particular area. It must be designed to control and direct the use of land and buildings according to present and planned future conditions, to accomplish as far as possible the most appropriate uses of land consistent with the public interest and the safeguarding of the interests of the individual property owners. Other characteristics of comprehensiveness may be found in the fact that the zoning or rezoning applies to or covers a subCARDON INV. v. TOWN O

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stantial or wide geographical a all uses, and that it covers all o land utilization; height, area a. few changes in zoning are made comprehensive nature of the Montgomery County v. Woodw 280 Md. 686, 702, 707, 376 A. (1977), cert. denied sub Montgomery County, 434 U.S.

A statement of legislative intendispositive of whether a given rezo The reviewing court must look to the and provisions of a zoning ordinance the definition of comprehensivenes following sections from the preamb evince the deliberation and broad acteristic of comprehensive rezonin

WHEREAS, the Board of Cou has considered the final recon Planning Commission entitled Proposed Zoning Ordinance", d. 1976, and

WHEREAS, the Board of Couproposed alternative changes to mission recommendations, such tained in a report entitled Frederick County Proposed Z dated November, 1976, and

WHEREAS, the Board of Cour has held three (3) duly advertis on these proposed changes to the and Map, and

WHEREAS, the Board of Cour has considered all comments reczens of Frederick County at said correspondence received within limit following said public heari

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hown for rezoning subsequent to , shall not be from such date, but haracter of the neighborhood or kisting zoning may be shown and lence by the board of county comhe date of the original adoption of e on May 11, 1959, or from the of any future comprehensive

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A comprehensive zoning or well thought out, the product of on and extensive study, and rations concerning the common lar area. It must be designed to the use of land and buildings t and planned future conditions. r as possible the most approprisistent with the public interest g of the interests of the individers. Other characteristics of may be found in the fact that ing applies to or covers a subCARDON INV. v. TOWN OF NEW MARKET 583

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stantial or wide geographical area, that it regulates all uses, and that it covers all of the usual factors of land utilization: height, area and use. The fact that few changes in zoning are made does not affect the comprehensive nature of the zoning or rezoning. Montgomery County v. Woodward & Lothrop, Inc., 280 Md. 686, 702, 707, 376 A.2d 483, 492-93, 495 (1977), cert. denied sub nom. Funger v. Montgomery County, 434 U.S. 1067, 98 S.Ct. 1245

A statement of legislative intent is relevant to but not dispositive of whether a given rezoning is comprehensive. The reviewing court must look to the actual procedure used and provisions of a zoning ordinance to determine if it meets the definition of comprehensiveness set forth above. The following sections from the preamble to the 1977 ordinance evince the deliberation and broad regulation of uses characteristic of comprehensive rezoning:

WHEREAS, the Board of County Commissioners has considered the final recommendation of the Planning Commission entitled "Frederick County Proposed Zoning Ordinance", dated September 14, 1976, and

WHEREAS, the Board of County Commissioners proposed alternative changes to the Planning Commission recommendations, such changes being contained in a report entitled "Supplement To Frederick County Proposed Zoning Ordinance", dated November, 1976, and

has held three (3) duly advertised public hearings on these proposed changes to the Zoning Ordinance and Map, and

limit following said public hearings, and

WHEREAS, the Board of County Commissioners WHEREAS, the Board of County Commissioners has considered all comments received from the citizens of Frederick County at said hearing and all correspondence received within the ten (10) day

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WHEREAS, the Board of County Commissioners hereby state their purposes and findings for adopting a new Zoning Ordinance and Map as

Purposes and Findings

This Ordinance is the product of over one (1) year of studies, workshops and public hearings. After conducting hearings and workshops in the various planning regions of the County at which all citizens were invited to and did submit their views on the various proposals, the Frederick County Planning Commission held eleven (11) public hearings and the County Commissioners corducted hearings on three (3) separate days on the new Ordinance and

the various proposals considered. There had been no comprehensive changes in the Zoning Ordinance Map and Text since 1959, at which time zoning was initiated in Frederick County. Since 1959, the County has experienced comparatively rapid growth; some 30,000 people have been added to the population; 51% of all new homes have been built since 1971. From 1959 to 1974, some 1,076 farms have been eliminated, representing some 83,130 acres.

Since the original enactment of zoning in 1959, the Zoning Map has undergone only piecemeal changes. During this past seventeen (17) year period there has been over 250 individual rezoning requests for changes and 160 of these requests have been approved. While almost every conceivable type of request has been approved - upzoning as well as downzoning, almost 100 of the approved Map changes involved taking land out of the Agricultural District. By virtue of these rezonings there has been over 6,000 acres or almost 10 square miles of land rezoned from agriculture to a more intensive residential, commercial or industrial classification.

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This new Ordinance provides which would allow a more in

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establishes the relationship bety tricts and the areas designated Comprehensive Development I the number of residential zor three (3) districts to six (6) distri diverse densities and housing previous Ordinance. Since app the area of the County was and tion Zoning District and the Al District (approximately 25% tively), necessarily these district

attention of the Planning Comm hops and public hearings. After the County Commissioners." (E: gs and workshops in the various f the County at which all citizens The "Purposes and Findings" section nd did submit their views on the specificity to set out the bases for the Frederick County Planning ultimately adopted. All but fe eleven (11) public hearings and recommended by the Planning Com pissioners conducted hearings on

Based on the foregoing, we hold th meets all of the criteria set out in . indeed, comprehensive rezoning.

Given that the 1977 rezoning was lant maintains that change since 19 have been considered in determining its land.

In Jav v. Smith, 34 Md. App. 538 1 31 enactment of zoning in 1959

"It is true that there are case been said that 'changes' antececomprehensive rezoning may be sideration, along with other charmination whether later piece lawfully is permissible. In Tow CARDON INV. v. TOWN OF NEW MARKET 585

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This new Ordinance provides for zoning districts which would allow a more intense use of land. establishes the relationship between the zoning districts and the areas designated for growth by the Comprehensive Development Plan, and increases the number of residential zoning districts from three (3) districts to six (6) districts, allowing more diverse densities and housing types than in the previous Ordinance. Since approximately 91% of the area of the County was and is in the Conservation Zoning District and the Agricultural Zoning District (approximately 25% and 60%, respectively), necessarily these districts received the most attention of the Planning Commission, its staff and the County Commissioners." (Emphasis added.)

The "Parages and Findings" section continues with great specificity to set out the bases for the changes that were ultimately adopted. All but four of the changes recommended by the Planning Commission and its staff were adopted.

Based on the foregoing, we hold that the 1977 Ordinance meets all of the criteria set out in Mraz, supra, and was, indeed, comprehensive rezoning.

Given that the 1977 rezoning was comprehensive, appellant maintains that change since 1959 nonetheless should have been considered in determining whether to reclassify

In Jay v. Smith, 34 Md. App. 538 (1977), we stated:

"It is true that there are cases in which it has been said that 'changes' antecedent to the last comprehensive rezoning may be taken into consideration, along with other changes, in the determination whether later piece-meal rezoning lawfully is permissible. In Town of Somerset v.

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County, 229 Md. 42, 181 A.2d 671 (1962), it was said at 48 [674]:

Changes which may have occurred prior to the last comprehensive rezoning need not be wholly disregarded when a change from that zoning is under consideration. It may be -- as was the case here - that it was a rather close question in the minds of the officials concerned whether a change in the zoning of the land involved should not have been made at the time of the last comprehensive zoning, and additional changes thereafter may bring the zoning status of the land as to which action is sought over the line dividing different zones." Id. at 544-45 (Emphasis in original.)

In Jay, the preamble to the comprehensive zoning ordinance provided that the haphazard pre-ordinance

"... were the very events that were declared to be in 'circumvention of the proposed county comprehensive plan' and had put 'undue pressure on existing public facilities and creates problems of an urban nature that may be in conflict with agricultural conservation.' To permit those antecedent events to serve as a foundation for this reclassification would be to subvert ordinance 73-42 and render its passage a mockery." Id. at 546.

Based on this statement of legislative rationale, we held that pre-ordinance changes in the neighborhood could not be considered to justify a reclassification. Jay establishes, then, that pre-ordinance changes may sometimes be considered. and that the contents of an ordinance may affect this consideration. Cf. Runyon v. Glackin, 45 Md. App. 457 (1980) (absence of preamble quoted in Jay allows consideration of pre-ordinance change).

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It is well settled, however, that of a neighborhood prior to adoption may be considered only in conju changes. Chevy Chase Village v. M Md. 27, 43-44 (1970).

In the case sub judice the court change since 1977 was the 1981 text that made a truck stop a legal use and, in effect, excluded it from the does not constitute a post-1977 character of the neighborhood suffition of pre-1977 changes.

Moreover, the circuit court found changes before 1977, it did not have trial court opined:

"We are not here dealing wi rezoning that may have over some changes. It would appear deliberate determination by the sioners in 1971 to place this pr cial category and it has continthe present time, and it seems: truncating, at that point, of the the necessity to view and consi. that date."

We agree with the trial court's ar of County Commissioners reclassifi. mercial in 1971, and in effect reaffi in 1977, there is a presumption of cor cation and, therefore, no need to loc 1971 action.

The provision in the 1977 ordin surement of change from 1959 is di preamble that we gave effect in Jay the preamble described the Har purpose: to prevent pre-ordinance venting the county's proposed comp